Committee on Academic Freedom  
Michelle Arkin, PhD, Chair

October 16, 2015  
3:00 PM – 5:00PM  
Room U 506

AGENDA

1. Welcome and Introductions (Attachment 1)
2. Chair’s Report/Committee Charge (Attachment 2)
   - Report from the September 2015 Academic Senate Leadership Retreat
3. Report from the University Committee on Academic Freedom (UCAF)
4. Chancellor’s $500K Allocation to Faculty
5. Manhattan Institute and Potential Academic Freedom Issues -- R. Greenblatt (Attachments 3, 4, and 5)
6. Old Business
7. New Business
Academic Freedom
2015-2016 Membership

Michelle Arkin, PhD, Chair, (P) Email 09/01/2014 - 08/31/2016
Eric Widera, Vice Chair, (M) 09/01/2013 - 08/31/2016
Ruth Malone, RN, PhD, FAAN, (N) 09/01/2013 - 08/31/2016
Karen Ordovas, MD, MAS, (M) 09/01/2014 - 08/31/2017
Mark Ryder, DMD, (D) 09/01/2014 - 09/30/2017
George Sawaya, MD, (M) 09/01/2015 - 08/31/2018

Meeting Schedule

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Subcommittee

Documents of Interest

UCSF CAF Guidelines for Handling Academic Freedom Investigations
Academic Freedom and the Research University paper.
University of California Academic Freedom Statement (APM 010).
The Supreme Court further limits First Amendment protection of public employees, (Garcetti v. Ceballos).
UCSF Committee on Academic Freedom FAQ.
Tobacco Forum.

Committee Bylaws | Annual Report | Archives

Academic Senate Staff: Shilpa Patel Email
140. Committee on Academic Freedom

A. Membership: This Committee shall consist of five or six members, with a representative from each of the Schools of the Division and one representative from the Clinical Professor or Adjunct Professor series. If the Division Representative to the University Committee on Academic Freedom is not one of these five members, the Committee shall consist of six members, with the Division Representative serving as a voting ex officio member. [Am 1 Sep 03]

B. Duties:

1. To serve as a resource for individual faculty and students who feel that their academic freedom has been compromised. [Am 1 Sep 03]
2. To study any condition within or without the University, which in the judgment of the Committee, may affect the academic freedom of the University, its faculty and students, and to report thereon to the Division.
3. At least every 5 years, to assess, and to report to the Division on the culture of the San Francisco campus in terms of academic freedom and how this culture affects: [Am 1 Sep 03]
   a. Acceptance of positions and resignation from positions in the University.
   b. The reputation of the University and the individual members of the Faculty.
Examples of reuse policies for public forums for academic content

The Conversation:
https://theconversation.com/us

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3. You have to credit The Conversation — ideally at the top of the article and include our logo — with a link back to either our home page, The Conversation or (preferably) the specific article URL on The Conversation website.
4. If space is tight, you can run the first few lines of the article and then say: “Read the full article on The Conversation” with a link back to the article page on our site.
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13. And here is our logo:

    ![The Conversation Logo](https://theconversation.com/us/logo.png)

14. Download a high-resolution version:
16. EPS (259KB), or PNG (20KB), or SVG (5KB)

17. Links to other websites
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• IPTV Service and Set Top Box Manufacturer
• Mobile and Tablet Manufacturer
• Web Browser Applications and Stores
• Subscription-Based Educational Service
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• In-flight, Hospitality or Hotel Entertainment Provider
• Other Commercial Entity

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- Name of publication/outlet
- Name of requested image
- Publication date
- Preferred file format
- Deadline for receipt of image

A photo credit will be provided when the image is delivered. This credit must run in full.
September 18, 1970

CHANCELLORS:

Restrictions on the Use of University Resources and Facilities for Political Activities

Although various existing policies, regulations, and statements pertain to permitted and restricted use of University resources and facilities, I consider it essential at this time that policies pertaining specifically to the use of University resources and facilities for political purposes be issued and implemented.

The following basic guidelines, effective immediately, constitute Presidential policies governing the use of resources and facilities for political purposes or activities:

1. The name, insignia, seal, or address of the University or any of its offices or units shall not be used for or in connection with political purposes or activity except as consistent with University regulations.

2. In correspondence, statements, or other material relating to political activities or issues, the University title of a faculty or staff member shall be used only for identification; if such identification might reasonably be construed as implying the support, endorsement, advancement, or opposition of the University with regard to any political activity or issue, the identification shall be accompanied by an explicit statement that the individual is speaking for himself and not as a representative of the University or any of its offices or units.

3. University equipment, supplies, and services -- duplicating machines, telephones, mail and messenger service, vehicles, computers, stationery, and other equipment, supplies, or services -- shall not be used for or in connection with political purposes or activities. (This does not prohibit the incidental use of resources, e.g., sound equipment, in connection with permitted use of University facilities.)

4. No University facility shall be used for political activities other than those open discussion and meeting areas provided for in campus regulations.

5. No display or distribution of political materials, such as posters, notices, handbills, and banners, shall be permitted except as specifically authorized by campus regulations concerning the time, place, and manner of exercising rights of speech and advocacy.

6. Nonmembers of the University community shall not be permitted to engage in political activities on University grounds or in University buildings and other facilities except as, specifically provided by campus regulations concerning the invitation of non-University speakers to address meetings on campus.
I urge that each of you take promptly whatever action is appropriate to make these policies applicable to your campus and, where circumstances warrant, that you develop and implement further appropriate guidelines.

Attached is a copy of my statement on the subject which was presented to The Regents' Committee on Educational Policy at its September 17, 1970 meeting. This statement will be printed in the September 28, 1970 issue of the University Bulletin. You may, of course, include all or any portion of my statement in the document concerning use of resources and facilities for political purposes which you issue on your campus. I call to your particular attention the fact that the attached statement superseded my statement entitled Use of Facilities and Resources which was distributed at the July meeting of The Regents' Committee on Educational Policy and which subsequently appeared in the August 3, 1970 issue of the University Bulletin.

I call to your attention also Attachment I to my statement which sets forth American Council on Education (ACE) guidelines on questions relating to tax exemption and political activities at colleges and universities. Please keep the ACE guidelines in mind as you develop any campus regulations supplementary to Presidential policies.

I will appreciate receiving from you a copy of the document on this subject which you issue to members of your campus community.

Charles J. Hitch

Attachment: ITEM FOR INFORMATION

cc:
Administrative Officers, Office of the President
Principal Officers of The Regents
Office the President
September 11, 1970

TO MEMBERS OF THE COMMITTEE ON EDUCATIONAL POLICY:

ITEM FOR INFORMATION

For Meeting of September 17, 1970

Re: Restrictions on the Use of University Facilities and Resources for Political Activities

This Statement supersedes my statement entitled Use of University Facilities and Resources which was distributed at the July meeting of this Committee. You will recall that, because of lack of time, we deferred discussion of that subject at the July meeting. I have carefully considered this subject, and as a result, I am issuing this revised statement.

As I stated in my July report on "Plan for Maintaining the Integrity of the University and its Academic Programs", the use of University facilities and resources is very much connected with the integrity of the University. The events of the last several months highlight the problem of balancing the rights of political expression, advocacy, and activity with the responsibility of assuring that University facilities and resources are not used for unjustifiable purposes.

There are both educational and legal reasons why the University must remain politically neutral. Educationally, the pursuit of truth and knowledge is only possible in an atmosphere of freedom, and if the University were to surrender its neutrality, it would jeopardize its freedom. Legally, Article IX, section 9, of the State Constitution provides in part that "The University shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs."

There are Federal legal restraints as well. The American Council on Education has recently issued "Guidelines on Questions Relating to Tax Exemption and Political Activities", guidelines which the Commissioner of Internal Revenue regards as "fair and reasonable". The guidelines express concern that "institutions of higher education may inadvertently or otherwise involve themselves in political campaigns in such a way as to raise questions as to their entitlement to exemption under Section 501(c)(3) of the Internal Revenue Code and as to liability under other provisions of Federal law," and provide in part that:

Educational institutions traditionally have recognized and provided facilities on an impartial basis to various activities on the college campuses, even those activities which have a partisan political bent, such as for example, the Republican, Democratic and other political clubs. This presents no problem. However, to the extent that such organizations
extend their activities beyond the campus, and intervene or participate in campaigns on behalf of candidates for public office, or permit nonmembers of the university community to avail themselves of university facilities or services, an institution should in good faith make certain that proper and appropriate charges are made and collected for all facilities and services provided. Extraordinary or prolonged use of facilities, particularly by nonmembers of the university community, even with reimbursement, might raise questions. Such organizations should be prohibited [as in the University of California they are] from soliciting in the name of the university funds to be used in such off-campus intervention or participation.

Every member of the academic community has a right to participate or not, as he sees fit, in the election process. On the other hand, no member of that community should speak or act in the name of the institution in a political campaign [as our rules provide].

A copy of the guidelines and the response of Randolph W. Thrower, Commissioner of Internal Revenue, are attached. (See Attachment I) I am calling these attachments to the attention of the Chancellors and am asking that they ensure that their campus regulations are compatible with the guidelines.

There are well-recognized difficulties in interpreting what is political. In today's disturbed social climate, what is political at one time may not be political at another. Supporting or opposing candidates or propositions in elections is clearly political, but there are grey areas in relation to issues. A distinction must also be drawn between political activity on the one hand, and instruction and research on politically related subjects on the other; certainly, scholarly instruction and research on politics is not only appropriate but desirable. There must be an examination of all the facts and circumstances surrounding an activity and, in the last analysis, the campus administrator must be responsible for determining its appropriateness.

It is important to reaffirm that the University does not restrict any member of the University community -- student, academic appointee, staff employee -- from exercising all political rights afforded to him as a member of society. It is equally important to clearly specify that no member of the University community may use University facilities and resources for political purposes except as specifically permitted by University regulations. The following portion of this document gets forth the University-wide policies which govern the use of University resources and facilities for political purposes. I am instructing the Chancellors to take whatever action is appropriate to make these policies applicable to their campuses and, where circumstances on a particular campus warrant, to implement further appropriate guidelines.

USE OF UNIVERSITY RESOURCES

Over the years, it has been generally understood that University resources, including supplies, equipment, services, and certain intangible assets such as the University's name, may be used only for purposes related to the University's primary functions of instruction, research, and public service. Many statements to this effect exist, including my reminder of May 29 to the faculty, a copy of which is attached. (See Attachment II)
Notwithstanding this background, I believe it is necessary as the Fall political campaign season approaches to make it explicitly clear to all members of the University community that their personal political activities are not University business and therefore may not be supported either directly or indirectly by University resources. I am asking each Chancellor to examine all areas of campus operations to make certain that all resources under his jurisdiction are adequately protected from misuse through involvement in political activities. The following basic guidelines are now issued:

1. The name, insignia, seal, or address of the University or any of its offices or units shall not be used for or in connection with political purposes or activity except as consistent with University regulations.

2. In correspondence, statements, or other material relating to political activities or issues, the University title of a faculty or staff member shall be used only for identification; if such identification might reasonably be construed as implying the support, endorsement, advancement, or opposition of the University with regard to any political activity or issue, the identification shall be accompanied by an explicit statement that the individual is speaking for himself and not as a representative of the University or any of its offices or units.

3. University equipment, supplies, and services -- duplicating machines, telephones, mail and messenger service, vehicles, computers, stationery, and other equipment, supplies, or services -- shall not be used for or in connection with political purposes or activities. (This does not prohibit the incidental use of resources, e.g., sound equipment, in connection with permitted use of University facilities.)

USE OF UNIVERSITY FACILITIES

As The Regents are aware, University-wide and campus regulations concerning use of University facilities have had considerable attention in recent years. These regulations stem largely from the work of The Regents' Special Committee to Review University Policies (the Meyer Committee) during 1964-65 and the issuance by the President of University of California Policies Relating to Students and Student Organizations, Use of University Facilities, and Nondiscrimination' on July 1, 1965. I have attached relevant portions of the current regulations, which relate specifically to speech and advocacy, student organizations, and use of facilities. (See Attachment III.[1])

Under delegated authority and in accord with University-wide policies, the Chancellors have consulted with their campus communities and have established principles and priorities for the use of facilities on their campuses. Campus regulations typically delineate time, place, and manner for exercising speech and advocacy, and provide for open discussion areas, placement of tables and posters, distribution of notices and handbills, fund raising, and reservation of meeting rooms. Such related subjects as charges for use of facilities and restrictions on the use of the University's name are also included.

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1 Attachment III is no longer current. See the August 15, 1994 policy (revised July 28, 2004) on the same subject.
In my estimation, University policies concerning the use of facilities have provided for the essential balance between protecting the speech and advocacy rights of individuals and groups and assuring that the University is not diverted from its essential functions or improperly implicated in non-University issues and activities. However, the experience of the past several months has demonstrated the need to emphasize to all individuals and groups authorized to use University facilities that political activities proper to campus forum areas cannot be carried over to the rest of the campus without seriously violating the University's policy of political neutrality, as well as materially interfering with regular educational and research activities. Therefore, a supplementary to existing policies concerning the use of University facilities, the following basic guidelines are issued:

1. No University facility shall be used for political activities other than those open discussion and meeting areas provided for in campus regulations.

2. No display or distribution of political materials, such as posters, notices, handbills, and banners, shall be permitted except as specifically authorized by campus regulations concerning the time, place, and manner of exercising rights of speech and advocacy.

3. Nonmembers of the University community shall not be permitted to engage in political activities on University grounds or in University buildings and other facilities except as specifically provided by campus regulations concerning the invitation of non-University speakers to address meetings on campus.

The limitations expressed in these guidelines in no way constitute prohibitions on the right to express political views by any individual in the University community. Nor is there any prohibition placed on faculty, students, or staff from participating, either as individuals or as members of groups, in the political process of supporting candidates for public office or any other political activity. University-wide and campus regulations concerning an individual's right of free expression and advocacy on the campus are unaltered by these guidelines.

(See Attachments)
Attachment I
last year and anticipates none for this year. 

[i]t may complete Form W-4E and give it 

to his employer to claim exemption from 

Federal income tax withholding on his 

wages, the IRS explained.

Students now beginning their summer 

jobs are among those most likely to be 

affected by this new provision in the law.

Due to an apparent misunderstanding, 

some employers have not granted exemp-


[Code Sec. 501(c)(3)]

Exempt organizations: Colleges and universities: Political activities: Guidelines—

The American Council on Education has released a statement to provide guidelines for 

colleges and universities in matters relating to their tax-exempt status as it might be 

affected by intervention or participation in political campaigns. The Commissioner by 

letter has stated that he believes the statement sets forth "fair and reasonable" guidelines.

Back reference: § 3033.0249.

The American Council on Education has 

released guidelines on questions relating to 

tax exemption and political activities at 

colleges and universities.

The guidelines were written by an ad hoc 

committee.

President Logan Wilson (of the Council) 

also released a letter from Randolph W. Thrower, Commissioner of the 

Internal Revenue Service:

"I appreciate your sending me a copy of 

the proposed statement of the American 

Council on Education, designed to provide 
colleges and universities guidance in matters 

pertaining to their tax-exempt status under 

Section 501(c)(3) of the Internal Revenue 

Code as it might be affected by intervention 
or participation in political campaigns.

"I have reviewed the statement and be-

lieve that it sets forth fair and reasonable 
guidelines with respect to the applicability 
of the relevant provisions of the Internal 

Revenue Code. I would like to commend 
the Council on developing these guidelines 
for the benefit of its members and other 
colleges and universities of the country."

The Council has a membership of 1,563 
colleges, universities, and educational asso-
ciations, and 82 affiliates.

Guidelines on Questions Relating to Tax 

Exemption and Political Activities 

Statement of the American Council on 

Education

Recent activities on college campuses have 
given rise to expressions of concern within 
colleges and universities and on the part of 
members of Congress and others that insti-
tutions of higher education may inadvertently 
or otherwise involve themselves in 
political campaigns in such a way as to 
rise questions as to their entitlement to ex-
emption under Section 501(c)(3) of the 

Internal Revenue Code and as to liability 

under other provisions of Federal law. Ac-
tivities which would bring this serious 

question the entitlement of a college or 

university to tax exemption could under-
mine the private support of higher edu-

cation as a whole, so essential to the very 

existence of many such institutions. For 

this reason, educational institutions ben-

efiting from the tax exemption should be 

aware of the problem and exercise care to 

make certain that their activities remain 

within the limits permitted by the statute.

Exemption of colleges and universities 

from Federal income taxes is dependent 

upon their qualifying as institutions organ-

ized and operated exclusively for religious, 

charitable, or educational purposes described 
in Section 501(c)(3) of the Internal Reve-
nue Code. For some years that section has 

provided that "no substantial part of the 

activities of" an exempt institution may be 

"carrying on propaganda, or otherwise at-

tempting, to influence legislation" and fur-

ther, that an exempt institution may "not 

participate in, or intervene in (including 

the publishing or distributing of state-
ments), any political campaign on behalf of 

any candidate for public office."

By the Tax Reform Act of 1969, the last-

quoted prohibition was incorporated in com-

panion provisions of the Internal Revenue 

Code dealing with the deduction of con-

tributions for income, gift and estate tax 
purposes. As interpreted, this provision 
would deny exempt status to institutions 
engaging in legislative activities which are 

substantial in the light of all the facts and 
circumstances. Additionally, it absolutely 
proscribes participation in or intervention 
by an exempt institution in any "political 
campaign on behalf of any candidate for 

public office."

The mere rearrangement of an academic 
calendar for the purpose of permitting stu-

| 6743 |
made and collected for all facilities and services provided. Extraordinary or prolonged use of facilities, particularly by members of the university community, even with reimbursement, might raise questions. Such organizations should be prohibited from soliciting in the name of the university funds to be used in such off-campus intervention or participation.

Every member of the academic community has a right to participate or not, as he sees fit, in the election process. On the other hand, no member of that community should speak or act in the name of the institution in a political campaign. In order to assure compliance with the requirements of Section 501(c)(3), universities in their corporate capacities should not intervene or participate in any campaign by endorsing or opposing a candidate or taking a position on an issue involved in the campaign for the purpose of assisting or opposing a candidate. Those who in their official capacity frequently speak for the university should undertake to make it clear when expressing individual views that they are not stating a university position. Whether or not a university has participated in or intervened in a campaign within the meaning of the Internal Revenue Code can be determined only by looking at all past and present facts and circumstances relevant to the question.

We would make three further observations:

1. Colleges and universities may be subject to restraints of the Corrupt Practices Act which forbid corporations or labor unions from making direct or indirect contributions in connection with political campaigns (including primaries). Adherence to the Internal Revenue Code restrictions discussed above should eliminate any questions in connection with this Act.

2. State law governing all of the above may be more stringent and should be examined.

3. There may be special restrictions on the use of facilities provided in whole or in part with Federal funds.

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[Code Sec. 46]

Investment tax credit: Unused investment credit: Cooperative association.—A cooperative association has no unused investment credit for carryback and carryover purposes in a year during which it has a net operating loss even though it acquired and placed in service section 38 property during that year. Back reference: § 588.021.

Advice has been requested whether a cooperative association, as defined in section 1381(a) of the Internal Revenue Code of 1954, has an unused investment credit under the circumstances described below.

§ 6744
Attachment II
To the Faculty of the University of California:

As we are all painfully aware, two powerful committees of the California Legislature have taken extraordinary and very serious actions regarding the welfare of University faculty members.

The Senate Finance Committee has not yet reported its recommendations on the University operating budget, but it denied any salary increase for University faculty while approving a five percent salary increase plus other salary adjustment funds for State employees, University and State College nonacademic employees, and State College faculty. The Assembly Ways and Means Committee has acted on both the operating budget and on salaries. It approved a five percent increase for State employees, for University and State College nonacademic employees, and for University faculty, but it denied an increase for State College faculty.

This means that the joint conference committee of the Assembly and Senate will have to deal with the question of faculty salaries in both the University and the State Colleges. The Assembly Ways and Means Committee also cut out of the University budget the entire support component for the work of the University Academic Senate.

These are matters of very grave significance for the future of the University, and I want you to know that I share your feelings of shock and dismay. We in the administration have protested these actions as strongly as we know how, and we will take all possible steps to have these budget cuts restored. You should know, however, that these legislative actions reflect widespread public antagonism and complaint about recent events on the campuses—alleged cancellation of classes, the reconstitution of many courses so that their normal academic content is lost, and prevention of the possibility, for some students, of continuing and completing the normal course work that they need and want. Many legislators believe that the basic academic purposes of our campuses are being distorted and subverted, that academic credit is being given for work that is not appropriate, and that the atmosphere of the campuses has become politicized, with freedom only for some views and not for others.

I think all of us, and the Legislators, too, are aware that the tragic events of this spring have brought about an unprecedented and highly charged atmosphere on campuses throughout the nation. I do not
believe that anyone should really expect campus life to go on as if
nothing had happened. At the same time, however, we have a duty
to maintain the educational integrity of the institution. Specifically:

1. Each faculty member has professional obligations and assignments;
   if he cannot or will not meet these obligations, it is our stated
   policy that, at a minimum, he should go without pay for the time
   missed.

2. The Academic Senate has been delegated by the Regents the direct
   responsibility for supervising courses and curricula. Within this
   responsibility, the various divisions of the Senate must make cer-
   tain that every student who wishes to do so has full opportunity to
   complete his normal course work and without penalty.

3. University facilities, supplies, equipment and other resources
   must not be diverted to partisan political use.

4. The University, as an institution, must not become an instrument
   of political action.

I want to emphasize that public concern about developments in the
University is not merely an expression of those who traditionally
have been our critics. Questions are being raised on all sides, and
it is up to the faculty and the administration to have sound answers.
The Academic Senate is vital to the effective governance of the University.
At this time, the faculty--individually and through the Senate--has a
direct responsibility for helping to defend the educational integrity of
the institution and for enforcing professional standards of academic
behavior. This is the only way in which we can regain the confidence
of those on whom our support depends.

Charles J. Hitch

(NOTE: For reference purposes, please file this supplement as pp. 190-191,
following Volume 18, Number 35.)
Events at UCSF and Sponsorship

Clarity about sponsorship and use of materials generated by UCSF faculty
EVENTS
Manhattan Institute for Policy Research

INVITES YOU TO A CONFERENCE

FRIDAY, MARCH 27, 2015
1:00 PM - 5:00 PM

NETWORKING RECEPTION 5:00-6:00 PM
PROGRAM BEGINS AT 1:00 PM

UNIVERSITY OF CALIFORNIA, SAN FRANCISCO
Mission Bay Campus
Smith CVRI Building, Room S159
555 Mission Bay Boulevard South
San Francisco, CA 94158

DATA AND TECHNOLOGY:
KEYS TO PRECISION MEDICINE AND 21ST CENTURY CURES

Speakers include:
Atul Butte, Director, Institute for Computational Health Sciences, UCSF
Mark Fishman, President, Novartis Institutes for Biomedical Research
Jo Handelsman, Associate Director for Science, White House Office of Science and Technology Policy
Jonathan Hirsch, Founder & President, Syapse
Jeff Huber, Senior Vice President, Google X
Maynard Olson, Professor of Genome Sciences and of Medicine, Adjunct Professor of Computer Science & Engineering, University of Washington
Harold Paz, Executive Vice President and Chief Medical Officer, Asta
Jennifer Puck, Professor, Departments of Immunology and Pediatrics, UCSF
Keith Yamamoto, Vice Chancellor for Research, UCSF; Executive Vice Dean, School of Medicine; Professor, Cellular & Molecular Pharmacology, UCSF

Panel discussion will be hosted by:
Michael Krasny, Host, KQED’s Forum

Remarkable discoveries in basic research, driven by astonishingly powerful new technologies and increasingly sophisticated electronic health records, can merge multiple data streams into a massive, secure computational “knowledge network” that enables researchers, companies, and physicians to develop precise prevention, diagnosis, or treatment strategies tailored to each individual, as well as transformative biological concepts, hypotheses and experiments. This approach, called precision medicine, promises to revolutionize American health care and research.

Yet even as science and technology define new opportunities and meet new challenges, outdated legal, administrative, funding/reimbursement and regulatory policies pose barriers to building the massive connected databases and analytic tools that will be needed to identify, test, and deliver precision medicine solutions to patients.

Fortunately, President Obama and bipartisan Congressional leaders have signaled their support for initiatives and legislation that can accelerate the development of precision medicine technologies and strategies across both the public and private sectors. Please join us as some of America’s leading researchers, innovators, and public policy experts explore the potential of new data and technology platforms to develop customized care and cures, as well as the challenges to be overcome to bring this powerful vision to fruition.

A registration link will be sent under separate cover

To RSVP, please e-mail yfeyman@manhattan-institute.org

52 Vanderbilt Avenue, New York, NY 10017 212.599.7000 www.manhattan-institute.org
Report from the meetings

• About 75 attendees, many no shows
• Audience included faculty, students, biotech leaders
• Main session followed by a reception then small group discussion of legislation and the FDA
• Much of the meeting was focused on big data, and acceleration of research
UCSF sponsor’s comments

- Need to engage with MI, they have much influence in congress;
- UCSF is not endorsing any position;
- Sponsor does not necessarily agree with MI’s positions
MEDICARE/MEDICAID ENTITLEMENT

Medicare and Medicaid are the nation’s two largest entitlement programs. They are also facing multi-trillion dollar deficits in coming decades as expenditures dwarf tax revenues. While some have advocated that the U.S. adopt a Canadian-style “single-payer” health care system to reign in costs, the Manhattan Institute recognizes that price controls and rationing will only exacerbate the health care challenges facing our nation, not solve them. Reforming these programs means opening Medicare and Medicaid to private insurance markets and putting consumers, not bureaucrats, in control of their own health care spending through health savings accounts and targeted vouchers. Empowered consumers make rational, cost-effective choices without dampening the market incentives driving health care innovation. Read more on this topic >>

CONSUMER DRIVEN HEALTH CARE

Third-party payment plans allow some consumers to use services without ever paying the full cost of health care utilization, while others pay for benefits they don't need. The result is a system where health care costs spiral out of control and consumer choice is limited to "one-size-fits-all" medicine. The CMP wants to change this system by making it a true market: putting consumers in charge of their own routine health care spending; reserving insurance for truly catastrophic injuries; and creating a national market for health insurance that encourages customized insurance plans and pricing competition. Read more on this topic >>

FDA REFORM AND MEDICAL INNOVATION

The discovery of rare side effects from drugs like Vioxx and Celebrex has politicians and the media clamoring for larger, longer, and more expensive clinical trials by the Food and Drug Administration. But there is no evidence that reliance on additional "one-size-fits-all" clinical trials will make prescription drugs safer. Moreover, it will cost more lives due to slowed access to new medicines. The CMP’s prescription for reform is more science, not more regulation. Science-driven FDA reform can help improve drug safety, streamline drug development and accelerate the adoption of personalized medicine. To achieve these goals, the Manhattan Institute has formed Project FDA, composed of leading experts that will develop a platform for FDA reform that will help the agency meet health care challenges in the 21st century using cutting-edge science and market-friendly policies. Read more on this topic >>

DRUG IMPORTANCE/PRICE CONTROL

The U.S. is the world’s leader in biopharmaceutical innovation, mainly because the U.S. does not impose price controls on prescription drugs. However, the rise of the internet has given individual U.S. consumers access to drugs in price controlled countries, leading to a growing demand that policymakers legalize importation on a national level. This policy would undermine medical innovation, while sending pharmaceutical investment and innovation now conducted in the U.S. to our rapidly developing competitors in China and India. The CMP is devoted to cataloging the benefits of market driven medical innovation, both in economic and human terms, and in shifting the debate on drug importation to a question of free trade. After all, since the entire world benefits from the premium U.S. consumers pay for drug research and development, U.S. trade negotiators should encourage rich nations to help bear the full costs of drug development. Read more on this topic >>
The 21st Century Cures Act — Will It Take Us Back in Time?

Jerry Avorn, M.D., and Aaron S. Kesselheim, M.D., J.D., M.P.H.
NEJM Perspective

- 21st Century Cures Act
- Championed by the pharmaceutical, biotechnology and device industries
- Approved in committee (house) 51 to 0
- If enacted, some of provisions could have a profound effect on what is known about the safety and efficacy of medical products as well as which become available for use.
- Calls for annual increases in the NIH budget of 3% for 3 years after adjustment, and create a $2 billion NIH innovation fund.
- Increase availability of de-identified data from NIH trials.
21st Century Cures cont

• Underlying premise is the need to accelerate approval of new products.
• NEJM piece sites indications that FDA process is already efficient.
• 21st Century Cures instructs the FDA to consider nontraditional study design and analytic methods to further speed approvals including use of shorter or smaller trials for devices and use of outcome criteria based on clinical experience; some of this is not as rigorous.
• Encourages more use of surrogate markers (currently 50% of studies use these).
• The legislation would immediately change approval of new antibiotics and antifungals without trials based on preclinical, pharmacologic, and other such outcomes.
• The bill would enable manufacturers to use third party organizations to assess safety and effectiveness of device modifications in place of the FDA.
• The bill expands the authority of political appointees over approvals.
• The bill also expands exemption from current consent requirements if a study is assessed to be no more than minimally risky.
Manhattan Institute

Very active advocacy role regarding Federal regulations for health insurance, FDA approval, pricing of drugs/Medicare.
• Problem is not partisan
• Includes manipulation of data and expert opinion for any purpose
  – Commercial interest
  – Political advocacy
  – Gain attention
Coca-Cola Funds Scientists Who Shift Blame for Obesity Away From Bad Diets

By Anahad O’Connor August 9, 2015 5:25 pm – New York Times

The beverage giant has teamed up with influential scientists who are advancing this message in medical journals, at conferences and through social media. To help the scientists get the word out, Coke has provided financial and logistical support to a new nonprofit organization called the Global Energy Balance Network, which promotes the argument that weight-conscious Americans are overly fixated on how much they eat and drink while not paying enough attention to exercise.
Coca-Cola is funding obesity research with a biased message, nutrition experts say

Coca-Cola came under fire Monday for donating millions of dollars to a nonprofit that has been spreading the message in medical journals and through social media that the blame for America's obesity epidemic is not about diet but a lack of exercise.

The issue, the New York Times reported, is that the view is misleading and meant to deflect attention away from recent studies about sugary drinks and their link to obesity and Type 2 diabetes.

“Coca-Cola’s agenda here is very clear: Get these researchers to confuse the science and deflect attention from dietary intake," Marion Nestle, a professor of nutrition at New York University, told the Times.
Wikipedia on Planned Parenthood Video Controversy

- Digital image and sound collection introduce risk of unrecognized loss of privacy;
- Casual conversation is less precise and more vulnerable to misinterpretation
- Even when recording is recognized, editing can significantly alter the meaning of documents and other materials
Example: early career investigator is interviewed by press at a poster presentation

- Approved original story
- Material sold to a professional newsletter and modified
  - More attention grabbing
  - Brought controversy and negative commentary
UC Presidential policy: Restrictions on use of University resources and facilities for political activities

- Name and seal of University
- Limits political speech to represent individual not UC
- UC resources cannot be used for political purposes
- Facilities cannot be used for political activities other than open areas per campus regulations
- No display of political materials except as authorized
- Campus should regulate non-UC speakers related to political activities
1970s

• No e-mail
• Digital cameras and recording devices
• No web
• Risk is higher now
  – Inadvertent endorsement
  – Collection of contacts for sale or political use
  – Recording and use of images or sound, with or without modification
Example of the Conversation and TED Talks

- Create forum for public presentation
- Permit reuse, but prohibit modification
Options

• Policy on disclosing sponsorship and type of sponsor
  – Per 1970s policy, is a research institute that is primarily a political advocacy organization, a political entity?
• Policy on use of listserves and RSVPs
• Policy on use of recordings, images of events at UCSF
  – Restrict modification
  – Encourage faculty to use “Conversation” vs interview?
• Policy on disclosure of funding sponsorship that goes deep to major sources of entity’s support.
Is there a problem?

- **No**, the campus is an open forum and all opinions and sponsors are free to participate;
- **In part**, because the nature of the sponsor was not clear and the sponsor collected the RSVPs by e-mail;
- **Yes**, the sponsor has a record of distorting science and UCSF should not facilitate their access to our community.