



## Committee on Academic Freedom

### Annual Report 2002 - 2003

Patrick Fox, PhD  
**Chair**

During the 2002-2003 academic year, the Committee on Academic Freedom enjoyed a productive year during which it met seven times. The Committee's work was augmented by the use of electronic communications to gather data and facilitate communication amongst Committee members. Patrick Fox, PhD served as the Committee's Representative to the University Committee on Academic Freedom.

Issues reviewed and acted on by the Committee included:

- Petition for UCSF Policy Not to Accept Tobacco Industry Funding
- Proposed Changes to APM 010
- Proposed Policy Relating to Sensitive Unclassified Technical Information (SUTI)
- Propose Racial Privacy Initiative
- Joint Systemwide Senate Committee Academic Freedom Forum

### University Issues

During the academic year, various system-wide issues were discussed at the University Committee on Academic Freedom (UCAF) meetings which took place during the months of October 2002 through June 2003. The topics, as reported to the membership, were as follows:

- *Proposed Changes to APM 010* – The UCSF Committee on Academic Freedom members reviewed proposed revisions to Academic Personnel Manual (APM) 010 (<http://www.universityofcalifornia.edu/senate/underreview/apm010prop.pdf>) and expressed concerns that aspects of academic freedom and its relation to constitutionally protected free speech remain unclear despite proposed revisions. The Committee elaborated their concerns in a communication to UCSF Academic Senate Chair, Daniel Bikle (Appendix 1).
- *Sensitive Unclassified Technical Information (SUTI)* – In late 2002, the Federal Government identified certain areas of research as representing Sensitive Unclassified Technical Information (SUTI) in light of recent national security crises. Research projects which produce data identified as SUTI may be subject to publication, analysis and dissemination restrictions. In response to this government initiative, the University Committee on Research Policy (UCORP) produced a proposed resolution (<http://www.universityofcalifornia.edu/senate/committees/ucorp/sutirpt.pdf>) which was reviewed by the Committee at its meeting of June 3, 2003. A communication detailing the Committee's review of the resolution was forwarded to UCAF Academic Senate Chair Daniel Bikle on July 7, 2003 (Appendix 2).

- *Joint Systemwide Senate Committee Academic Freedom Forum* - Throughout the year 2001 - 2002 the Committee discussed the current level of awareness of Academic Freedom issues at both the campus and system-wide levels. In response to similar discussions at divisional meetings of Committees on Academic Freedom, UCAF sponsored a Joint Systemwide Senate Committee Academic Freedom Forum on June 11, 2003 at the UC Berkeley Campus. Speakers at the forum included Robert Post – Alexander F. and May T. Morrison Professor of Law at UC Berkeley’s Boalt Hall, Lisa Bero – Professor in the Department of Clinical Pharmacy, School of Pharmacy and Institute for Health Policy Studies at UC San Francisco, MRC Greenwood – Chancellor of UC Santa Cruz, and Cynthia Vroom – UC Office of the General Counsel. Issues discussed included: the history and evolution of academic freedom within the UC system, corporate and economic pressures on academic freedom, and academic freedom and science research policy.

## UCSF Campus Issues

### *Evaluation of UCSF Cancer Center Protocol Review Committee Review Process*

The Committee is engaged in an ongoing evaluation of the UCSF Cancer Center Protocol Review Committee to assess its possible impact on a faculty member’s academic freedom. A report of this evaluation will be forwarded to the Chair of the Academic Senate upon its completion in Fall, 2003.

### *Petition for UCSF Policy Not to Accept Tobacco Industry Funding*

A petition for a UCSF Policy Not to Accept Tobacco Industry Research Funding was prepared and sponsored by the Tobacco Control Group of the UCSF Comprehensive Cancer Center and the UCSF Center for Tobacco Control Research and Education in 2002. At the request of Senate Chair Daniel Bikle, a joint Task Force of members of the Committees on Academic Freedom and Research reviewed the petition and made recommendations to hold a Town Hall Meeting of the UCSF faculty to consider the proposed policy.

In response to these recommendations, a Special Town Hall Meeting on Tobacco Industry Funding of Research was held on Wednesday, September 25, 2002 from 1:00 – 1:30 p.m. in Toland Hall. The purpose of the Town Hall meeting was to provide members of the campus community with an opportunity to fully discuss all issues related to the acceptance of tobacco industry funding for research at UCSF and its impact on the academic freedom of investigators. Dr. Phillip Gardner – Research Administrator Social and Behavioral Sciences, Tobacco-Related Disease Research Program, University of California Office of the President - presented arguments against accepting tobacco industry funding for research. Supporting statements were provided by Drs. Neal Benowitz, Lisa Bero and Stanton Glantz. Dr. Sydney Brenner – Distinguished Professor, The Salk Institute – presented arguments in favor of accepting research funding from the tobacco industry. Academic Senate Chair Dan Bikle announced at this meeting that a vote of the faculty on the issue of tobacco industry funding of research would take place pending further discussion.

In November 2002, the Academic Senate Office released a ballot, posing the following question to all UCSF faculty with appointments at 50% or greater: “Should we, the faculty, at UCSF refuse to accept any funding from the tobacco industry, and the foundations it supports, an agreement that would be binding for all UCSF faculty?” As indicated at the Town Hall meeting, the results of the faculty vote were transmitted by the Chair to the Chancellor and to the Academic Council for information and consideration. The results of the faculty vote were as follows: 52% supported the position of not accepting funding from the tobacco industry for research purposes at UCSF, while 48% did not want to prohibit the acceptance of tobacco industry funding for research at UCSF.

The results of this ballot (<http://www.ucsf.edu/senate/townhallmeeting/index.html>) were presented to the Committee by Chair Fox at its meeting of March 3, 2003 and to the campus community at the Academic Senate Division Meeting of March 5, 2003.

## **Issues for the 2002-03 Academic Year**

- 1) The Committee intends to conclude its review of the Cancer Center Protocol Review Committee.
- 2) Continue to address matters relating to academic freedom as required.

**Respectfully submitted,**

Committee on Academic Freedom

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## **APPENDICES**

- Appendix 1: Communication from Chair Fox to Dan Bikle regarding Review of Proposed Changes to APM 010 04/30/03
- Appendix 2: Communication from Chair Fox to Dan Bikle regarding Proposed Resolution from UCORP on Sensitive Unclassified Technical Information (SUTI) 07/07/03



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## COMMUNICATION FROM THE CHAIR, COMMITTEE ON ACADEMIC FREEDOM

To: Daniel Bikle, MD, PhD

From: Patrick Fox, PhD, Chair, Committee on Academic Freedom

April 30, 2003

Dear Dr. Bikle:

You recently asked our committee to comment on proposed revisions to APM 010 drafted by Professor Robert C. Post (<http://www.universityofcalifornia.edu/senate/underreview/apm010prop.pdf>).

Committee on Academic Freedom members expressed concern that aspects of academic freedom and its relation to constitutionally protected free speech remain unclear. The question is the degree to which the three aspects of academic freedom 1) freedom of inquiry and research; 2) freedom of teaching; and 3) freedom of expression and publication, apply primarily or solely to those topics which fall within the purview of the academic expertise of the faculty member versus those which a faculty member may wish to comment upon, but which fall substantially outside of his/her academic expertise. For example, if a faculty member chooses to express a private opinion of conscience that is unrelated to his/her academic expertise, does the faculty member have an obligation to clarify that s/he is speaking not as a faculty member of the university, but as a private citizen?

This is an important issue and I thank you for the opportunity to comment on it. Please do not hesitate to contact me should you have any questions at all.

Sincerely,

Patrick Fox, Ph.D., Chair  
Committee on Academic Freedom



**COMMUNICATION FROM THE COMMITTEE ON ACADEMIC FREEDOM**  
**Patrick Fox, PhD, Chair**

Daniel Bikle, MD, PhD  
Chair, UCSF Academic Senate  
Box 0764

July 3, 2003

Dear Dr. Bikle

Per your request, the the Committee on Academic Freedom (CAF) reviewed the Sensitive Unclassified Technical Information (SUTI) resolution prepared by the University Committee on Research Policy. Overall, the CAF agreed with the approach recommended by the University Committee on Research Policy for dealing with the SUTI issue. We agree that the definition of SUTI is problematic and has the potential for imposing substantial restrictions based on ill-defined criteria.

The rationale for the resolution reaffirms strong institutional values of the university related to academic freedom. However, there was concern over the practical ramifications of the resolution on the academic freedom of individual faculty members who are conducting SUTI-related research (this concern was expressed in passing in the preamble to the resolution).

The issue is whether faculty conducting this type of research would be prohibited from doing so in the future if the resolution is adopted. By reaffirming the historical "classified versus unclassified" separation, university faculty currently conducting SUTI research may be prohibited from pursuing new or established lines of inquiry.

While an overall institutional policy goal of the recommendation is to protect freedom of inquiry and publication in the university, CAF members were concerned that an unintended result of this resolution would be to actually inhibit individual faculty members' academic freedom by prohibiting them from conducting research that the federal government has defined as SUTI.

This would indeed be an unfortunate by product in that it would place faculty in the untenable situation of being caught in the struggle between federal versus University of California policy. If the resolution is adopted for implementation, consideration should be given to issues associated with the transition of faculty who are conducting SUTI-defined research.

Please do not hesitate to contact me should you have any questions regarding this communication.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Fox".

Patrick Fox, PhD  
Chair

cc. Committee on Academic Freedom Members