



COMMITTEE ON ACADEMIC FREEDOM

Mark Eisner, MD, Chair

Annual Report 2004-2005

The Committee on Academic Freedom enjoyed a productive year during which it met seven times. The Committee was represented on the University Committee on Academic Freedom (UCAF) by Mark Eisner, MD. Issues reviewed and acted on by the Committee during the 2004-2005 academic year are summarized in this report.

Symposium on “Science, Government and Academic Freedom in a Polarized Political Environment”

The Committee devoted substantial effort to the planning of a campuswide Symposium on “Science, Government and Academic Freedom in a Polarized Political Environment.” The Symposium was originally planned to take place in Spring 2005 but was postponed until Fall 2005 due to lack of speaker availability.

Committee members emphasized the need to ensure that a balance of views and opinions will be solicited for the event. To this end, the Committee strove to invite diverse speakers to participate in the Symposium. The goal was to have four speakers to give 15 minute presentations on different topics and a thirty minute roundtable discussion and question and answer period. The Committee also worked with the Office of the Academic Senate to identify funding sources for the Symposium. Tamara Maimon, Executive Director of the Office of the Academic Senate, advised the Committee that the Senate Office would provide funding for light lunch refreshments and to cover reasonable honoraria and travel expenses of speakers.

Tobacco Funding at UCSF

The Committee reviewed a policy adopted by the UCSF Department of Medicine in August 2004 that stated:

The UCSF Department of Medicine will not apply for or administer grants or other contracts funded by the tobacco industry. Further, the Department will not apply for or participate in research programs of organizations that derive funding from the tobacco industry.

Following extensive discussion of academic freedom issues related to this policy, Committee members agreed to draft a communication to Department of Medicine Chair Lee Goldman ([Appendix 1](#)) highlighting general concerns regarding the need to ensure that the academic freedom of individual faculty members is safeguarded and specific concerns regarding a possible lack of recourse for individual faculty not in agreement with such a policy. The communication also directed Chair Goldman to the [University Committee on Research Policy \(UCORP\) Resolution on Restrictions on Research Funding](#) that recommends that no department or unit within the University be permitted to adopt policies restricting research funding from individual funding sources and that, if adopted by the Regents of the University of California, would preclude the adoption of the Department of Medicine Policy on tobacco funding.

UCORP Resolution on Restrictions on Research Funding

At the request of UC Academic Senate Chair George Blumenthal, PhD, each of the ten UC campuses provided feedback to the Academic Council regarding the UCORP Resolution on Restrictions on Research Funding. UCSF Academic Senate Chair Leonard Zegans, MD established a task force to provide recommendations relating to the Resolution. This task force was comprised of members from the Committees on Academic Freedom, Academic Planning and Budget, and Research and the faculty councils of each of the four schools. Jim Lightwood, PhD served as the representative of the Committee on Academic Freedom.

At the request of the task force, the Committee considered the Resolution and deliberated whether to recommend that it be accepted, modified or rejected. The Committee had significant concerns with the wording of the policy, as follows:

- The Committee felt that the language of the Resolution goes too far in prohibiting any group of faculty from expressing a view with respect to funding sources. Several non-governmental organizations have adopted policies which restrict grants to institutions that do not refuse funding from certain industries. As written, the Resolution would prevent units from accepting funding from certain sources by prohibiting the units from complying with the funding policies of those sources. For example, the American Legacy Foundation “will not award a grant to any applicant that is in current receipt of any grant monies or in-kind contribution from any tobacco manufacturer, distributor, or other tobacco-related entity.” The UCORP Resolution may prevent units of the University from accepting Legacy Foundation funds because units would be unable to implement policies prohibiting receipt of funding from the tobacco industry.
- The Committee was also concerned that the Resolution as drafted may compromise the credibility of the University and ultimately undermine the faculty’s ability to conduct research. There are two prongs to this problem. First, as explained above, the Resolution may actually work to decrease funding opportunities where the University is unable to comply with certain organizations’ funding policies. In turn, reduced funding may limit the amount of research faculty can produce. The second prong has to do with protecting the integrity of the academic process. The Committee is concerned that the Resolution may create a perception that the work of the University is tainted by funding from certain industries. This will erode the credibility of the University and especially UCSF as a health sciences institution.

Following extensive discussion of these issues, the Committee agreed to recommend that the Resolution be accepted with modifications to address the concerns outlined above. On January 24, 2005, Chair Eisner transmitted a communication to Catherine Chesla, RN, DNSc, FAAN, Chair of the Task Force Reviewing the UCORP Resolution on Restrictions on Research Funding Sources, that conveyed these concerns ([Appendix 2](#)). This communication was attached as an appendix to the [final report](#) of the task force, which also articulated the reservations of the Committee on Academic Freedom.

Raising Awareness of Academic Freedom

The Committee considered two proposals to raise the profile of the Committee on Academic Freedom among faculty, as follows:

Academic Freedom Panel of Advisors

The Committee briefly discussed the proposal to establish an Academic Freedom Panel of Advisors. The role of the Advisors would be to field questions from faculty and determine whether inquiries fall under the purview of the Committee on Academic Freedom. This would help to ensure that the investigatory function of the Committee is not compromised in the event that an initial inquiry ultimately comes before the full Committee for consideration.

Committee members indicated that they do not believe there are sufficient academic freedom inquiries at present to warrant the establishment of a Panel of Advisors. The Committee agreed to revisit this issue if and when the need for a Panel of Advisors arises.

Academic Freedom Frequently Asked Questions (FAQ)

The Committee also discussed the idea of including a Frequently Asked Questions (FAQ) page on the Academic Freedom website. The Committee agreed that an FAQ page would help to promote the Committee and raise awareness among faculty of the Committee's role on campus. Committee members suggested that the FAQ could include examples of past issues handled by the Committee and links to the websites of other academic institutions and/or consortia discussing issues of academic freedom. The Senate Office prepared an FAQ proposal which was adopted by the Committee with minor changes ([Appendix 3](#)). The FAQ is currently posted on the Academic Freedom website.

Universitywide Issues

Chair Eisner reported to the Committee on a variety of issues of systemwide importance. Key issues considered by UCAF during 2004-2005 are outlined below.

- **UCORP Resolution on Restrictions on Research Funding**
UCAF discussed the Resolution on Restrictions on Research Funding at length and unanimously endorsed the Resolution with no changes. During discussion, UCAF members expressed concern that a rejection of the proposal, which would allow individual units within the University to restrict research funding sources, might curtail the academic freedom of individual faculty by denying them access to certain funding sources. The final version of the Resolution states that only individual investigators or the Regents can place limitations on sources of research funding. The Resolution has been submitted to the UC Regents for approval.
- **The Patriot Act**
UCAF discussed the Patriot Act and considered whether to recommend that a universitywide resolution be passed to address the academic freedom implications of the Act. The Committee also identified one individual to respond to requests for information from the University made under the provisions of the Patriot Act.
- **Academic Freedom of Students**
UCAF examined the academic freedom protections in place for UC students and also convened an ad hoc committee to consider ways in which more clarity can be given to policies protecting student academic freedom.

– **CA Senate Bill 5 – Student Bill of Rights**

SB 5 is proposed legislation that would require UC to adopt and implement a “Student Bill of Rights,” a set of principles relating to academic freedom. The Office of the President worked and will continue to work with the Legislature to show that UC has adequate internal policies providing students with academic freedom protections and that legislation is not necessary.

– **Corporate Influence on Research**

UCAF held discussion of corporate influence, conflict of interest and research integrity. The Committee also selected members to serve on a joint subcommittee with members of the University Committee on Research Policy to examine these issues.

– **Campus Research Policies**

The Office of Research Integrity of the U.S. Department of Health and Human Services (USDHHS) prompted a number of UC campuses to rewrite their policies on misconduct in research. In some cases, the policymaking processes utilized by campuses to conform with USDHHS requests ran afoul of UC shared governance principles. In particular, UC Davis had to draft three separate policy proposals due to failure of timely communication between the Administration and the Divisional Academic Senate. UCAF thus requested that each campus draft a letter to their Vice Chancellors of Research reminding them of shared governance principles when drafting new research policies. On June 9, 2005, UCSF Divisional Senate Chair Leonard Zegans, MD transmitted a communication to Ari Tahmassian, UCSF Associate Vice Chancellor of Research, on behalf of the UCSF faculty ([Appendix 4](#)).

– **UC Institutional Review Boards**

The UCLA campus raised the concern that Institutional Review Boards across campuses may be utilizing inconsistent ethical standards. To ensure uniformity, Committee members suggested that UC adopt a systemwide policy rather than allowing each campus to set its own standards. The need for such a policy may become moot as various campuses undergo USDHHS certifications, thus adopting the national standard of review.

Issues for 2005-2006

The Committee will continue to respond to issues brought to it by the University Committee on Academic Freedom and by the Chair of the UCSF Academic Senate. The Committee expects to give immediate attention to the planning of the Symposium on “Science, Government and Academic Freedom in a Polarized Political Environment” in September 2005.

Respectfully submitted,

The Committee on Academic Freedom

Mark Eisner, MD (Occupational Medicine) *Chair*

Stuart Gansky, DrPh (Preventive and Restorative Dental Science) *Vice-Chair*

Paula Braveman, MD MPH (Family and Community Medicine)

Stephen Gitelman, MD (Pediatrics) *Clinical Representative*

Jim Lightwood, PhD (Clinical Pharmacy) *Adjunct Representative*

Howard Pollick, DDS (Preventative and Restorative Dental Sciences)

Victor Reus, MD (Psychiatry)
Meg Wallhagen, RN, PhD, GNP (Physiological Nursing)

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Appendices

- [Appendix 1:](#) *Eisner to Goldman – Department of Medicine Research Funding Policy*
- [Appendix 2:](#) *Eisner to Chesla – UCORP Resolution on Restrictions on Research Funding*
- [Appendix 3:](#) *CAF Frequently Asked Questions (FAQ)*
- [Appendix 4:](#) *Zegans to Tahmassian – Policy on Research Misconduct*