

TO THE MEMBERS OF THE COMMITTEE ON EDUCATIONAL POLICY:

DISCUSSION ITEM

For the Meeting of September 20, 2006

RESEARCH FUNDING: ACCEPTANCE OF FUNDING FROM CORPORATE SPONSORS ASSOCIATED WITH THE TOBACCO INDUSTRY

Regent Bustamante has requested a discussion of the University's policy on accepting funding from the tobacco industry to conduct research on second-hand smoke and the health effects of smoking.

Research at the University of California is funded by a variety of sources, including federal, State, foundation, and corporate/industry support. Under University policy, individual researchers are free to accept funding from any source, as long as the funds are otherwise in compliance with applicable University policy (for example, as long as the award does not give the sponsor the ability to control or restrict publication of research results).

Over the years, critics of tobacco and of the tobacco industry have raised concerns about the University's acceptance of funding from sponsors with ties to the tobacco industry. The amount of such funding is an extremely small portion of the University's total research funding. Since 1995, UC researchers have received approximately 100 awards totaling about \$29 million from tobacco-related companies¹ for research, training and public service. By comparison, the University received more than \$4 billion in total contracts and grants in FY2005 alone.

Currently, there are only four active grants at UC from sponsors with known ties to the tobacco industry. These grants were received by the Los Angeles, Berkeley, and Davis campuses, all from a single sponsor - Philip Morris -- and total approximately \$1.9 million. These awards fund projects such as "Salivary Biomarkers for Early Oral Cancer Detection" and "The Role of SNON Oncoprotein in Lung Carcinogenesis."²

Some tobacco industry critics have suggested that because of the deleterious health effects of tobacco, and because of documented concerns about the corporate actions of some tobacco

¹ The University does not have a comprehensive list of all companies with ties to the tobacco industry. We are aware, however, that in addition to companies like Philip Morris, there are other companies, such as Kraft Foods, that are either parent companies or subsidiaries of tobacco companies.

² See Attachment for list of current active awards from Philip Morris.

companies, the University should adopt a policy of declining to accept research funding from sponsors with ties to the tobacco industry. They also have suggested that even if the University as a whole does not adopt such a policy, individual UC campuses, schools, divisions, departments, or organized research units should be permitted to adopt policies restricting their own faculty from accepting funding from tobacco companies.

Proponents of a ban on acceptance of tobacco funding argue that the University (and, in particular, units of the University that focus on health, such as schools of Medicine, Nursing, and Public Health) should dissociate itself from an industry known to make a product harmful to human health and that is alleged to have a history of attempting to influence or misrepresent research results.

Opponents argue that an institutional policy prohibiting researchers from accepting tobacco funding would violate the freedom of inquiry of individual faculty members. They argue that the University should reject the idea that accepting funding from a corporate sponsor connotes an endorsement of the corporate sponsor's products or corporate actions. They note that it is a dangerous precedent to adopt a policy of rejecting funding from certain types of industry sponsors whose products or corporate behaviors are objectionable to some, and caution that there are a number of other industries that some would argue should fall under such a policy. While acknowledging the legitimacy of concerns about tobacco and about the corporate behavior of some companies, opponents of a funding ban point out that as long as a grant has no conditions that would prevent researchers from adhering to their obligation to engage in intellectually honest research and to release the results of such research through the normal processes of scientific review, the sponsor's motivations should not preclude acceptance of funding.

Past Action by the Academic Senate

In 2004 this matter came before the Academic Council of the University's Academic Senate, which expressed serious concerns that a ban on acceptance of funding from a particular industry source could impinge on academic freedom. On May 11, 2005, after further consideration and debate of the issue, the UC Assembly of the Academic Senate adopted the following resolution on research funding sources:

**Resolution of the Academic Senate
On Research Funding Sources
Adopted by the UC Assembly of the Academic Senate
May 11, 2005**

Preamble: This resolution states that no unit of the University, whether by faculty vote or administrative decision, has the authority to prevent a faculty member from accepting external research funding based solely on the source of the research funds. The authority to set such research policy rests with the UC Board of Regents. Nothing in this resolution would prevent individual faculty members from voluntarily eschewing a particular source of research funding.

Agencies of the Academic Senate may, through their divisions, propose that the statewide Academic Senate request, through the President, that the Board of Regents adopt a policy to refuse funding from a particular source.

WHEREAS, Only the UC Board of Regents has the plenary authority to establish policies on the acceptance of research funding; and

WHEREAS, Agencies of the Academic Senate may, through their divisions, propose that the statewide Academic Senate request, through the President, that the Board of Regents adopt a policy to refuse funding from a particular source; and

WHEREAS, No Committee, Faculty, or Division of the Academic Senate of the University of California has the plenary authority either to set aside the principles of academic freedom or to establish policies on the acceptance of research funding; and

WHEREAS, Freedom of inquiry is a fundamental principle of the University of California; and

WHEREAS, The University of California faculty code of conduct requires that “[Professors] respect and defend the free inquiry of associates”; and

WHEREAS, The University of California policy on academic freedom requires that scholarship be judged solely by reference to professional standards, and that researchers “must form their point of view by applying professional standards of inquiry rather than by succumbing to external and illegitimate incentives such as monetary gain or political coercion”; and

WHEREAS, The University of California has existing policies that encourage the highest ethical standards in the conduct of research, require disclosure of conflicts of interest, guarantee the freedom of publication, and prevent misuse of the University’s name; and

WHEREAS, Restrictions on accepting research funding from particular sources on the basis of moral or political judgments about the fund source or the propriety of the research, or because of speculations about how the research results might be used, interfere with an individual faculty member's freedom to define and carry out a research program; now, therefore, be it

Resolved by the University of California Academic Assembly, That the principles of academic freedom and the policies of the University of California require that individual faculty members be free to accept or refuse research support from any source consistent with their individual judgment and conscience and with University policy. Therefore, a unit of the University may not refuse to process, accept, or administer a research award based on the source of the funds; nor may such a unit encumber a faculty member’s ability to solicit or accept awards based on the source of the funds, except as directed by the UC Board of Regents.

Statement by President Dynes

On October 8, 2004, President Dynes wrote the [attached letter](#) to the Regents expressing his endorsement of the Academic Senate’s resolution on this issue, noting that while people may differ in their views about the appropriateness of accepting research funding from the tobacco industry, his belief is that it is the fundamental right of faculty to accept such funding. President Dynes’ letter noted that it is the joint Administration and Senate view that individual campuses,

schools, departments and centers may not prohibit faculty from accepting research funding from a particular source, as long as the funding is otherwise in compliance with University policy.