

UNIVERSITY OF CALIFORNIA

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SANTA BARBARA • SANTA CRUZ

OFFICE OF THE PRESIDENT

Robert C. Dynes
President

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August 1, 2005

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

At the request of Academic Council Chair Blumenthal, I am pleased to enclose for your information a copy of the *Academic Senate Resolution on Research Funding Sources*, as well as a copy of Chair Blumenthal's letter to me regarding the Assembly of the Academic Senate's adoption of this resolution.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert C. Dynes".

Robert C. Dynes

Enclosures

cc: Chancellors

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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Office of the Chair
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Assembly of the Academic Senate, Academic Council
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

May 31, 2005

ROBERT C. DYNES, PRESIDENT

Re: Academic Senate Resolution on Research Funding Sources

Dear Bob:

I am pleased to inform you that at its May 11, 2005 meeting the Assembly of the Academic Senate adopted the enclosed *Academic Senate Resolution on Research Funding Sources*. The Resolution is an amended version of and supersedes the July 31, 2004 *Academic Council Resolution on Restrictions on Research Funding Sources*. It reflects the outcome of a full Senate review and considerable discussion among faculty members that was carried out over a number of months. I ask that you forward this revised Resolution to the Regents, for their information, and to the Chancellors and Vice Chancellors of Research with the request that it be disseminated to all appropriate individuals or offices on their respective campuses.

As you may remember, the July 2004 Resolution was originally drafted and presented to the Academic Council by the University Committee on Research Policy (UCORP) as a companion document to their "Report on Problematic Restrictive Clauses in Contracts, Grants and Gifts for Research." UCORP drafted the Report and the Resolution in fulfillment of a formal charge from the Academic Council to review UC's stance on tobacco funding bans within units of the University, and, more broadly, UC research funding policies and "strings" on research awards. The core argument of the Resolution was aimed at preserving the academic freedom of individual faculty members, and although prompted by faculty votes within individual units of the University to ban "tobacco money," the resolution did not specifically refer to that one source or issue. The Academic Council endorsed both the Report and the Resolution, and they were forwarded to you with the request that they be distributed to the various campus administrations.

Subsequently, though, concerns were raised by some faculty members with regard to both the content of the Resolution and the need for broader consultation on the issues it addresses. The Academic Council felt that these concerns warranted a reconsideration of the Resolution, and therefore in October 2004, sent it out to the Standing Committees of the Assembly and to Divisions for review. Formal responses from all Divisions and from six committees (CCGA, UCAF, UCAP, UCFW, UCORP, and UCPB) showed strong support for the Resolution. Based on this consensus, and taking into account comments indicating the need for some clarifying language, the Academic Council endorsed an amended version on March 31, 2005. In turn, the Assembly's May 11 action adopted the amended Resolution, and simplified its name to the "Resolution on Research Funding Sources."

By adoption of the current version of the resolution, the Academic Senate is expressing its belief that banning certain sources of funds by a majority vote of the faculty within a unit is a fundamental infringement of the academic freedom of the individual UC researcher who may wish to accept such funding and who is otherwise acting in compliance with UC policy. UC policy requires that scholarship be judged solely by professional standards, and the Resolution is aimed at showing that bans based upon judgments regarding the funding source or speculations about how the research might be used, fundamentally interfere with a faculty member's freedom to carry out a research program. The amended Resolution clarifies that the UC Board of Regents have sole authority to set research policy that would ban the acceptance of research funding from a particular source. It also makes clear the right of an agency of the UC Senate to request that the Regents adopt a policy to refuse funding from a particular source, and the path for making such a request.

I know that the administration, the faculty, and a portion of the public have followed this issue with considerable interest, and I am pleased to report that the discussion within the Academic Senate is finally concluded. I do hope that as a product of the collective wisdom of the Academic Senate, the amended Resolution will be viewed as sound in principle and helpful in practice.

Best regards,



George Blumenthal, Chair
Academic Senate

Copy: Academic Council
María Bertero-Barceló, Executive Director

Enclosure: Academic Senate Resolution on Research Funding Sources

cahrf

**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.

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University of California
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Oakland, California 94607-5200

November 1, 2006

PRESIDENT ROBERT C. DYNES

RE: The Academic Senate's Resolutions on the Research-Funding Issue

Dear Bob:

On September 27 — by a vote of 12 in favor, 5 against, with one abstention — the Academic Council passed the following resolution, subject to ratification by the Assembly:

"The Academic Council instructs the Chair of the Council to advise the President that grave issues of academic freedom would be raised if the Regents were to deviate from the principle 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 funds. Policies such as the faculty code of conduct are already in place on all campuses to uphold the highest standards and integrity of research. The Academic Council believes that the Regental intervention on the basis of assumptions about the moral or political standing of the donor is unwarranted."

The Assembly met on October 11th. The first action item discussed was the Council's resolution of September 27th. After 85 minutes of lively debate, the Assembly ratified the Academic Council's resolution by a roll-call vote of 27 in favor, 16 opposed.

The Assembly then turned to its second action item, an unrelated matter. After disposing of this item, there being 45 minutes remaining for the consideration of New Business, the Assembly considered two new action items germane to the research-funding issue. There ensued a further 40 minutes of lively debate. Each item was independently passed by a large majority of the Assembly on a show of hands. These two additional resolutions are as follows:

"The Assembly declares its deep disapproval of funding arrangements in which an appearance of academic freedom belies an actual suppression of academic freedom."

and

"The Assembly asserts its conviction that past funding arrangements involving the tobacco industry have been shown to suppress academic freedom."

Please transmit this letter to The Regents in time for distribution in connection with the oral report of the Academic Senate at the next Regents' meeting.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'J. B. Oakley', written in a cursive style.

John B. Oakley, Chair
Academic Senate

Copy: Assembly of the Academic Senate
Executive Director Bertero-Barceló

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Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
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Oakland, California 94607-5200

May 31, 2007

ROBERT C. DYNES
PRESIDENT

Re: Academic Senate Response to the Proposed Policy Restricting University Acceptance of Funding From the Tobacco Industry

Dear Bob,

At its May 9, 2007 meeting, the Assembly of the Academic Senate voted against adopting RE-89, the proposed Regents' Policy Restricting University Acceptance of Funding from the Tobacco Industry. The motion brought before the Assembly was to oppose RE-89; the vote in favor of that motion was 44 in favor, five opposed, with three abstentions.*

As you will recall, when The Regents considered RE-89 at their January 18, 2007, meeting, they asked for the Senate's formal and unambiguous position on the proposal. Accordingly, I sent RE-89 out for systemwide Senate review on February 26, 2007, asking Committees and Divisions of the Senate to express an opinion either in favor of or in opposition to the proposal. An additional request for Senate comment then came from Regent Moores, who, in a letter to me dated January 23, 2007, posed a series of questions concerning the faculty position on RE-89. A response to those questions was drafted by an Academic Council working group and forwarded to Regents Moores in my letter of March 20, 2007 (enclosed). The working group's response was circulated as well to all agencies of the systemwide Academic Senate to assist in their review of RE-89. Of the 17 Senate bodies that responded to the systemwide review of RE-89, one voted in favor; 15 voted against; and one abstained.

* This is the final, official vote tally. The originally reported tally was 43 in favor, four opposed, with three abstentions. The revised tally reported at the May Regents meeting was 43 in favor, five opposed, with two abstentions. The difficulty was caused by our method for recording the eligibility to vote and votes cast by alternate members, which we will revise for future meetings. The official tally reported herein — 44 in favor, five opposed, with three abstentions — has been confirmed by comparing the tally sheets with the audio recording of the proceedings of the meeting.

At its April 25, 2007, meeting, the Academic Council considered the outcome of this review and passed the following resolution: "The Academic Council recommends that the Assembly oppose RE-89." The vote of the Academic Council on that resolution was 15 in favor, one opposed.

All Committee and Division responses from the systemwide review of RE-89 were included for the Assembly's consideration in the May 9, 2007, *Notice of Meeting*. As noted above, the motion before the Assembly at that meeting was that the Assembly oppose adoption of RE-89. After a relatively brief debate of the motion in which opinions on both sides of the issue were heard, a roll-call vote was taken, resulting in a strong Senate majority in opposition to the adoption of RE-89. Again, the official tally of that vote was 44 Assembly members in favor of the Council's resolution opposing adoption of RE-89, five Assembly members opposed to the Council's resolution, with three Assembly members present but abstaining from voting. I was also present, but did not vote — as the presiding officer of the Assembly I cast a vote only when necessary to break a tie.

Please transmit this letter to The Regents for distribution in connection with their consideration of RE-89 at the July Regents' meeting.

Sincerely,



John B. Oakley, Chair
Academic Senate

Copy: Academic Assembly
María Bertero-Barceló, Senate Director

Enclosures: Response to Regent Moores Regarding Questions Around The Regents' Proposed RE-89 - Adoption of a Policy Restricting University Acceptance of Funding from the Tobacco Industry.
May, 9, 2007, *Notice of Meeting of the Assembly of the Academic Senate* (pp. 35-69).

4/18/07



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August 29, 2007

PRESIDENT ROBERT C. DYNES
UC Office of the President
1111 Franklin, Suite 12113
Oakland, CA 94607

RE: University Acceptance of Research Funding from the Tobacco Industry

Dear President Dynes:

I am writing on behalf of the ten Vice Chancellors for Research regarding the draft Regental proposal, "University Acceptance of Research Funding from the Tobacco Industry." We respectfully request that you transmit this letter to the UC Regents.

We recognize that there are strong feelings among the Regents – and the faculty and staff of the UC system, as well – regarding tobacco-related research, but we and the research community that we represent also have major concerns about the creation of rules and regulations that trump traditional processes of academic freedom and accountability that have served our system very well for many years.

The Regental proposal, that we viewed in draft form, was composed of first an "Exhortation to Researchers" followed by two proposed policies: one for a required internal review of proposals before submission, and a second for subsequent required accountability reporting regarding the resulting research emanating from funding from the tobacco industry. It is the latter two proposed policies that we respectfully urge the Regents to reconsider. A fourth clause we saw in draft form proposed that campuses or campus units could request (through the campus Chancellor) Regental approval to adopt a policy of declining to accept, process, or administer research awards funded by the tobacco industry. We also find this clause to be unacceptable as it allows for units to restrict the academic freedom of individual researchers.

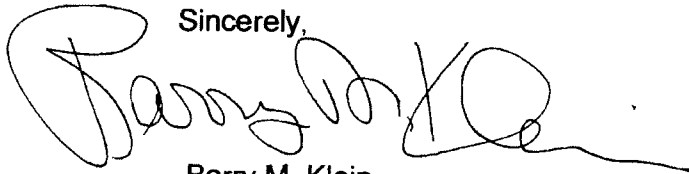
President Robert C. Dynes
August 29, 2007
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Rather than promulgating restrictive rules and regulations that would stifle academic freedom, create an unneeded bureaucracy, and be contentious and divisive to our faculty, a statement of Regental concern would, in our view, be a more measured and appropriate action. This response, the same or similar to one of the items in the draft Regental proposal, could be an exhortation that both encourages diligence in accepting tobacco research funding from tobacco-related companies and also encourages diligence in performing and disseminating the resultant research from such funding.

The leadership shown by such an expression of concern by the Regents, with the resulting increased awareness and peer pressure within our research community will, we believe, go a long way toward accomplishing the goals of the Regents without heading down a path of "research controls" that would have a negative impact on the creativity and greatness of our university. We respectfully urge this course of action.

Submitted on behalf of the Vice Chancellors for Research of the ten UC campuses.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry M. Klein". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barry M. Klein
Vice Chancellor for Research, UC Davis
UC Convening Vice Chancellor for Research

BMK/kmo

c: Provost Rory Hume
Vice Provost Larry Coleman
UC Chancellors
UC Vice Chancellors for Research