

COMMITTEE ON ACADEMIC FREEDOM Annual Report, 2006-07

To the Academic Senate, Santa Cruz Division

Issues brought before the Committee on Academic Freedom

The Committee on Academic Freedom (CAF) met four times during this academic year, and mounted a public forum on academic freedom. Key issues brought before the Committee included a proposed Regents Policy RE 89 on Tobacco Funding, a controversy concerning Institutional Review Boards, pharmaceutical vendor relations, open access policy, and a draft document prepared by UCAF Chair, Jerold Theis on, "Academic Freedom: Its Privilege and Responsibility Within the University of California."

Forum on Academic Freedom

On May 14, 2007 CAF sponsored a public forum held in the Music Center Recital Hall with Professor Robert Post of Yale Law School (formerly with University of California, Berkeley School of Law) and the principle architect of APM 10 policy on academic freedom adopted by the University of California in 1993. Professor Post is a widely published and respected scholar in the fields of academic freedom, affirmative action, and the First Amendment. Particularly significant was the way in which Professor Post explained the historical and legal differences between academic freedom and freedom of speech, and the history, politics and origins of academic freedom rooted in faculty self-governance. A lively and informative discussion followed Professor Post's formal presentation. His writings are easily available. A bibliography on Academic Freedom, can be found on the [committee's website](#). and a tape of the talk are available through the Senate office for interested faculty. CAF wishes to thank the Office of the Chancellor, the Institute for Humanities Research, Cowell, Kresge, Merrill, Oakes and Stevenson Colleges, and the Departments of American Studies, Community Studies, Feminist Studies, History, History of Consciousness, Legal Studies, Literature, Politics, Psychology and Sociology for their generous support.

Regents Policy Re 89

Members of the Board of Regents and some faculty, particularly at UCSF, proposed that the University of California impose a ban on faculty accepting research funding from tobacco companies, even when the research is not directly on the affects of tobacco use. For much of the year this was the subject of considerable discussion in CAF and UCAF. The proposal was based upon both the unquestionably harmful effects of tobacco use, and the recent RICO conviction of tobacco companies for specific actions. CAF, UCAF, and in general UC faculty, opposed the Regents' 89 proposal. Our CAF submitted the following points: There are already policies and procedures in place to monitor research and funding influences on research results. Faculty must be free to accept funding to do their research without censorship. CAF was unanimous in its

endorsement of the May 2005 approach on the issue of outside funding for research and we felt that safeguards against tainted research are already in place. We also observed that the RICO conviction was for specific acts by the tobacco companies, and that they themselves were not deemed to be a “criminal organization.” We also observed that key criteria for accepting research grants is that the granting agency make no apriori claim to require certain results as a condition for the grant. CAF also felt very strongly that if there was a prohibition against any granting agency it established a precedent for such prohibitions and that this was, indeed, a very “slippery slope” upon which none of us wished to begin.

Institutional Review Boards

It was reported to UCAF in Spring 2006 that there were problems with long delays in approval for research projects at some of the UCs by the IRBs. As a result, UCAF and UCORP undertook a study of the protocols on each of the campuses, and they and our CAF proposed that the following protocols be set into place UC-wide:

- 1) There should be system-wide training of IRB staff and this should be paid with system-wide funds.
- 2) Coordinate system-wide training so that all IRBs have the same procedures at all UC campuses.
- 3) Faculty need to serve on the IRBs but it is time-consuming. In order to enhance faculty participation there needs to be compensation in the form, for example, of course relief. And service on IRBs should count in a significant way in faculty reviews for merit and promotion.
- 4) We recommend that there be distinct protocols for the medical/biological sciences and for the social sciences/behavioral sciences. The fields are different, requirements different, and distinct protocols should be developed.
- 5) CAF expressed great concern that there was no formal appeal process if an IRB decision is negative. We believe something needs to be set into place that allows a faculty person to consult with the IRB in good time to correct problems in a research proposal, and there needs to be a strong relationship between the IRB and the Vice-Chancellor of Research on each campus. Some kind of appeal process should be set into place.

We noted that after inquiries at UCSC there seemed to be no significant problems with our IRB and we heard of no faculty complaints.

Pharmaceutical Vender Relations

Representative to UCAF from campuses with medical schools reported faculty concerns about undue and/or unethical practices by pharmaceutical companies in their policies of giving medical samples, free gifts, and other benefits etc. to individual faculty. UCSC does not have a medical school, and so this particular set of problems does not affect our campus. CAF did examine the proposed guidelines and suggested that these be sent for informational purposes to department chairs in the Social Sciences, Engineering and the Physical and Biological Sciences via the Senate email account.

Open Access Policy

This was an issue initiated by UCAF at the end of the 2005-2006 academic year, which began with the approved change in Senate By-Law 185 that changed the name of the University Committee on Library, to University Committee on Library and Scholarly Communication. In brief: when faculty publish in scholarly journals their work will now be posted with the UC Scholarship Repository, making the work accessible to everyone at no cost via the internet. A major impetus for this action is that the cost of journals to universities is increasing, and this would provide for on-line sources. CAF had no problem with granting open access or using open sources; however, there were concerns about those faculty who might choose to publish in some scholarly journals that don't permit on - line, open access. We favored that process which gave maximum flexibility to faculty to publish where they choose, without penalty or objection.

Academic Freedom: Its Privilege and Responsibility with the University of California

This document was drafted by outgoing UCAF chair Jerold Theis, in 2005-2006, discussed in CAF and UCAF last year and again this year. On the basis of this discussion Chair Theis revised the document. At the present time, UC's Academic Council does not wish to generally circulate the document UC-wide. However, CAF believes it is be of much benefit, especially in giving the history of academic freedom in California. It is available through the Senate office for those wishing to read it.

Respectfully submitted,

COMMITTEE ON ACADEMIC FREEDOM

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