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Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
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August 29, 2008

**DIVISIONAL CHAIRS, ACADEMIC SENATE
UNIVERSITY OF CALIFORNIA**

Re: Implementation of RE-89 – Restrictions on Tobacco Company-Funded Research

Dear Colleagues:

As you know, procedures for implementing RE-89, the Regental resolution placing restrictions on the submission of proposals for funding to tobacco companies, were outlined in President Dynes' February, 2008 [letter](#) to the chancellors. Among other requirements, The Regents directed the chancellors to establish local peer review panels of at least three members with relevant expertise.

While the Academic Assembly has expressed its overwhelming opposition to RE-89, the University Committee on Academic Freedom (UCAF) and Council believe it is necessary to closely monitor the implementation of the policy in order to guard against the erosion of academic freedom. We must guard against undermining the ability of the University to contribute to the advancement of knowledge. That said, at its July 23, 2008 meeting, Academic Council unanimously endorsed the request from the University Committee on Academic Freedom (UCAF) to closely monitor the implementation of RE-89 and report its findings to Academic Council by the end of 2008-09.

Though the Academic Council neither endorsed nor rejected UCAF's second request – that review committees established to vet proposals intended for submission to tobacco company funders include *ex-officio* representation from divisional Committees on Academic Freedom (and that chancellors select them in consultation with divisional Committees on Committees) – the Council agreed to forward UCAF's request for *ex-officio* representation of members of Committees on Academic Freedom on scientific review panels to the Divisional Chairs.

Council asks that you consider and respond to the request of UCAF for *ex-officio* membership on local review panels. Please direct your response to your divisional Committee(s) on Academic Freedom.

I have enclosed UCAF's letter to Council, for your information. Please do not hesitate to contact me if you have any questions regarding Council's requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael". The signature is fluid and cursive, with the first letter being a large capital 'M'.

Michael T. Brown, Chair
Academic Council

Copy: Academic Council
Martha Winnacker, Senate Director

Encl. 1



UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF)
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June 30, 2008

MICHAEL BROWN
CHAIR, ACADEMIC COUNCIL

Re: Implementation of RE-89 – Restrictions on Tobacco Company-Funded Research

Dear Michael,

At its June meeting, the University Committee on Academic Freedom (UCAF) reviewed a memo sent from President Dynes to the campus chancellors in February asking them to establish implementation procedures for RE-89 and recommending a model for the local review and approval process mandated in the policy. Notwithstanding our continuing opposition to RE-89, UCAF has some suggestions for its implementation on the campuses, namely that the chancellors include more Senate involvement on the scientific review panels – specifically, an ex-officio role for local Committees on Academic Freedom (CAFs). We also recommend a role for UCAF and the Academic Council in monitoring implementation.

You will recall that at its September 2007 meeting, the Board of Regents approved a [compromise version](#) of RE-89, which does not prohibit faculty from accepting funding from tobacco-affiliated companies, but which requires each campus chancellor to establish a scientific review committee to advise the chancellor about any such funding proposal. The chancellor is required to approve proposals prior to submission to funders on the advice of the review committee, which RE-89 notes should be drawn from the community of scholars and consist of at least three faculty members with relevant expertise.

First, UCAF would like to reiterate our strong opposition to RE-89 and our general reservations about the scientific review panel process. We are concerned that RE-89 is contrary to the academic freedom principles articulated in APM 010, which state that only the faculty have the competence and right to make judgments about the quality of research conducted at the University. We believe RE-89 interferes with the authority and autonomy of faculty to conduct research and establishes a precedent that could adversely affect the faculty as a whole and undermine the function of the University to contribute to the advancement of knowledge.

We realize, however, that the policy is a Regential mandate. In sight of this reality, we have some recommendations for implementation that we believe will help soften the policy's impact on academic freedom.

Through the end of this year and into 2008-09, UCAF would like to monitor implementation of RE-89 with the help of local CAFs and divisional UCAF representatives. UCAF will collect data on campus implementation procedures to identify potential problems, and on an ongoing basis, will examine actions of local review panels. We will report our initial findings, along with any problems or issues, to the Academic Council by the end of 2008-09.

UCAF would also like to request a specific role for the Academic Senate in the composition of local review committees. Although the provision for including three faculty members with relevant expertise on review panels is an excellent one, we believe that review committees should also include ex-officio representation from divisional Committees on Academic Freedom. In addition, we suggest that chancellors select faculty for the review committees only after consultation with divisional Committees on Committees.

Thank you for considering this request, and please do not hesitate to contact me if you require additional information.

Sincerely,

Raphael Zidovetzki
Chair, UCAF

cc: UCAF
Martha Winnacker, Executive Director