

IFC FACULTY AFFAIRS STANDING COMMITTEE

Issue: Curtailing Tobacco Monies

A. Exchange between Prof. Simon Atkinson, chair of Research Affairs, and André De Tienne, chair of Faculty Affairs.

(1) SA to ADT, 3/5/2007

On Mar 5, 2007, at 10:43 AM, Atkinson, Simon J. wrote:

Andre

Research Affairs met with Stephen Jay last month to discuss tobacco company funding at IU. I know he met with your committee last fall. Has your committee made any decision to act or not? We are planning to talk about this at our next meeting with a view to deciding whether to make a proposal to the FC.

Simon

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(2) ADT to SA, 3/5/2007

Simon,

Our committee has not made any decision yet about how to pursue this question because we've been busy with more pressing issues, and Bart recommended that we do not make the issue of curtailing tobacco monies a priority. There is nothing black and white about that issue even though its propounders are presenting it as such, and I am not naive about it. When you mix it with the sacrosanct conception of academic freedom, it loses all simplicity. A proposal to the IFC would have to be academically sound and very subtle: nothing in it could afford to be merely rhetorical. (The fact that other big universities have put such a ban into place is of course not a logically acceptable argument, since it falls within the "others are doing it" fallacy.) An outright ban that would disregard certain kinds of positive research would not be subtle, and there are so many connections between tobacco companies and other ones that are not tobacco-related or only indirectly so, often owned by the same companies, that it's going to be a headache to sift through those connections. I am also suspicious toward policies that want to substitute themselves to the ethical sense of researchers, especially when they are limited to a rhetorical "let's show the world we have tough moral standards" attitude. Let's not treat faculty as though

they were stupid, uninformed, and unable to exercise good professional and moral judgment. There is an erosion of trust in the intelligence and moral integrity of faculty that I find disturbing. If a policy was needed, it would be hard to craft it in such a way that no one finds it derogatory to our intelligence. At the most, something that would advise (not require) researchers to double-check funding sources and research aims, and to consult with their colleagues and department chairs about the appropriateness of certain kinds of funding for particular kinds of research, might perhaps be acceptable. But this is a kind of policy that would necessarily be pro forma.

Now, if the faculty of the Schools of Medicine, Nursing, and Health & Rehabilitation feel very strongly about it because of existing moral conflicts, they are free to try to pass such bans at the school level. But to seek to impose it campus-wide seems to me naive, even arrogant, because it gives the impression of wanting to impose a dubious kind of moral omniscience over legitimate research in other non-health-related fields, particularly the humanities, and that's hardly acceptable. One has to be extremely careful about blocking the road of inquiry in ways that are absolute, even if narrowly so.

What I am saying is that your committee is of course free to do whatever it wants to do, but that I doubt the issue at stake is one that can be treated in a meeting's time without causing regret later on, since it has significant ramifications in all sorts of directions. Solid and wide-ranging investigation is needed, and if the issue is to be brought to the IFC, that investigation must be comprehensive and not stop at medical considerations and statistics. Moral issues do not yield themselves to simplistic practical regulations without paying a moral price, so unpredictable and diverse our human condition is. As far as Faculty Affairs is concerned, we will consider the issue again, but without hurry.

Andre

(3) Conversation between SA and ADT, 8/30/07

During and after the meeting between IFC committee chairs and the executive committee, ADT and SA discussed this matter. ADT expressed reluctance about pursuing the issue on the FAC because of its narrow angle. SA said his own committee had problems with it and that they were going to consider it under a much broader angle, where it would become a mere sub-case. ADT told him that was the right approach. IFC President Bart Ng advised the FAC to simply keep the discussion open, implying that it was not a priority issue for us (consistent with a similar declaration last year).

B. Message from Dr. Steve Jay, 4/20/2007

Simon and Andre,

As your IUPUI Faculty committees weigh the merits of the proposal to establish policy at our university to not accept money from the tobacco industry, I thought the enclosed letter* from two very knowledgeable and nationally known experts would be of interest to you and your colleagues.

The University Of California Board Of Regents is considering such a policy and the important ethical questions involved.

David Kessler is former head of the Federal Drug Administration, Dean of Yale Medical School and now Dean of UCSF School of Medicine. He is one of the foremost experts on the tobacco industry in the world. Sharon Eubanks is a highly regarded lawyer and former Director and Lead Counsel for the United States Tobacco Litigation Team at the U.S. Department of Justice.

I have also copied this note to our ad hoc committee that has been exploring the ethical, legal, academic, and public health implications of this issue.

All the best,

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*See attached PDF.

C. Remarks from ADT about the Kessler/Eubanks letter.

Logical analysis of the argument presented by David Kessler and Sharon Eubanks shows that it is unfortunately prone to a number of logical fallacies that weaken the validity of its substance, despite its intrinsic merit. A number of objections are not answered convincingly, and the matter of academic freedom is brushed aside through a rhetorical shrug. That the tobacco industry is a uniquely vile case deserving of a uniquely strong policy is a temptingly easy reasoning, but hard to maintain since a claim targeting a singular entity is logically weak by definition: anything singular is a manifestation of something more general (not to mention that the pharmaceutical, food, and weapon industries for instance have also lots of skeletons in their closet). In any case, the main argument that universities need to pass such outright bans in order to preserve their integrity remains offending to faculty integrity and sense of responsibility because of the prejudicial suspicion embedded in it: that without a ban we either are incapable of integrity and responsibility or cannot be trusted in either regard. If that is so, then academic freedom would be an empty moral phrase. Faculty do not need to be *prescribed* which kind of research is ethical and which not through the command of vocally indignant individuals. The ethical case may seem compelling, but cannot be so at the expense of critical reasoning. Simply pronouncing something to be an ethical issue in order to silence objections is a manifestation of a dangerous sort of authoritarian dogmatism. In addition, there are so many connections between universities and other entities, be they industries, government, or civic institutions, that playing the holier-than-thou game may rapidly become an exercise in hypocrisy. We have high standards to uphold, and the best way to do so is to demonstrate them as a matter of habitual practice, and not of extraordinary prohibitions. General guidelines ensuring that privately sponsored research be fully transparent and bias-free in all regards (funding sources, research objectives, dissemination of results, etc.) along with some level of peer-consultation should be sufficient to weed out compromising research activities, no matter who the sponsor is.