

CAFAS Update No. 53

10 January 2007

Council for Academic Freedom & Academic Standards

<http://www.cafas.org.uk>

Next Meeting:

*Saturday 20 January 2007
Room 253
Birkbeck College
Malet Street
London WC1*

Underground: Goodge Street, Euston Square, Euston, Russell Square, Holborn

Compilers' Note

Cafas invited the candidates for general secretary of the University and College union to make a statement on academic freedom. Peter Jones could not be contacted before going to print. Readers are invited to comment on the statements .

Statement on academic freedom from Roger Kline

Freedom to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of

losing their jobs and privileges is a cornerstone of academic life.

Academic freedom is a crucial space for developing knowledge and in resisting the encroachment of governments, commercial pressures, or their institutional managers on the right to question, develop and disseminate knowledge. As universities increasingly seek commercial support, we can expect such pressures to become greater.

One recent example was the medical researcher whose research was misused by a pharmaceutical company and whose

university looked the other way when they did. Other examples abound, notably where Government departments suppress or delay research whose findings are politically awkward.

Often the pressures to conform are peculiarly English – polite, quiet and invisible. Controversial researchers or lecturers simply don't get appointments. Or don't get permanent appointment, or promotions. The prevalence of researchers and lecturers on temporary contracts increases the likelihood that external pressures encourage less controversial (at least in funding terms) research. Appointment and promotion procedures are obscure enough in many institutions to make proving such allegations all but impossible.

However, contemporary discussion of academic freedom is dominated by another issue – the Frank Ellis issue which has prompted debate as to whether there is a boundary between putting forward controversial or unpopular opinions which question and test received wisdom and holding forth with private peccadilloes expressed in a manner in a manner that abuses a position of authority.

The contrast between the case of Frank Ellis of Leeds University and that of Dr. Kanazawu of LSE is instructive. Dr. Kanazawu published research claiming to show Africans to be of lower intelligence. His work was met with scorn by some other academics, but it was his field of inquiry and however offensive some might find it, he has the right to publish his work.

Frank Ellis on the other hand regaled his Russian and Slavonic studies undergraduates with opinions variously

described by his students as anti-Semitic, homophobic, misogynistic and racist. The closest these opinions got to academic work was to repeat the discredited Bell Curve theory of lower black intelligence. Ellis was free, of course, to share his views in his living room but it is unclear whether any of this was an expression of academic freedom. Rather it felt to at least some of his students – and his academic colleagues – to be a questionable abuse of freedom speech from a position of authority, not an expression of academic freedom. That was the view held by the AUT Association at Leeds University and by the AUT Annual Council in 2006. I agree with them.

Frank Ellis' remarks neither tested received wisdom nor developed critical thinking. Why should a Jewish, gay, female or black student have to put up with repeated abuse from their senior lecturer that bears no relation to either their subject area nor contributes to their wider development of critical thinking.

Words have power. If my daughters receive racist, anti-Semitic or misogynist abuse from a lecturer it is not an expression of academic freedom, it is an abuse of freedom of speech to which the answer may sometimes be to challenge, sometimes to ignore, and sometimes to insist the abuse stops. To portray academic freedom as licence to peddle any abuse from a position of authority would undermine academic freedom as an essential space we should all resolutely defend.

Roger Kline
Head of Equality and Employment
Rights
UCU

Sally Hunt on Defending Academic Freedom

Academic freedom within the law is the bedrock of a democratic society and UCU must defend it without compromise.

In a worldwide context, being an academic or other education professional can be dangerous – as the kidnap and murder of many of our colleagues in Iraqi universities shows. In the UK it is not under physical threat but increased, if indirect, state control over our research and teaching outputs, the increase in funding by private companies of university research, formal or informal restrictions on the ability to publish sensitive research, attacks on academics who criticise or query government policy or even methodology are causing real concern for our academic members.

The government's wish to use university staff to spy on students to see if they become radicalised as part of a campaign to combat "extremism on campus" sparked a very strong reaction from academic staff. You can read my response to the Government's proposals here: [why freedom of speech is crucial in colleges and universities](#) (Guardian 20 October, 06)

During my time as general secretary of AUT, we were able to secure legislation in Scotland to enshrine the principle of academic freedom for "all individuals involved in research and teaching in all higher and further education institutions"..

With our freedom under attack, UCU must campaign effectively and one of my first priorities as UCU general secretary will be to raise the issue by seeking to extend the Scottish legislation to the whole of the UK.

Win or lose, and I think we can win, it is important that policy makers and the public hear about the importance of independent thought and study without fear of the consequences. To support this work, as general secretary I will ask members to contribute to a new UCU policy statement on academic freedom which will set out how we think our members should be treated and our willingness to defend members if necessary.

You may have other ideas but I think our policy needs to focus on freedom to teach and discuss, freedom to carry out and publish research, and to criticise your institution, the government or society

without fear of retribution and freedom from censorship by the university.

The defence of academic freedom is inextricably linked to the governance of our universities and colleges. In many universities, academic staff and students are now outnumbered on governing bodies by local business people and dignitaries. Yet without control by faculty of the academic fabric of our institution, academic freedom is much harder to defend.

The arguments around this heated up after the decision of Reading University Council to close its Physics department and you can read my view on what that decision says about modern governance here [Reading and the lessons for university governance](#) (Guardian 23 November, 06), while a more positive development was the rejection by Oxford academics of the reform of their faculty dominated governing body.

Sally Hunt
Joint gen. sec. UCU

List 98 Southend Current Numbers

Ms Joanna C Ruffle, Southend-on-Sea Assistant Director, advised me on Wednesday 15 November 2006 that there were 1 069 names on List 98.

On Thursday 14 December 2006, Southend Executive Councillor for Children and Learning, Cllr Mrs Sally Carr, reported at the Council meeting the following:

In April 1998 when Southend Council acquired unitary status, List 98, formerly

maintained by Essex County Council, was handed over as part of the statutory transfer.

This list is a register of names of individuals about whom there had been concerns and where further information was sought prior to making a recruitment decision. The criterion for including names on this list was determined by Essex County Council and all decisions to place individuals on it were taken by them prior to 1 st April 1998.

We understand that Human Rights legislation has caused ECC to review the policy of maintaining List 98 and that ECC has changed its practice in this respect.

Since acquiring the list in 1998 Southend Council has not used it as part of the pre-employment vetting process and have not added any further names to the list.

No Way of Knowing

Mrs Sarah Streetley, Essex County Council Information Sharing and Information Security consultant, sent me on Friday 22 December 2006 the following:

The information you have requested is now not held by or on behalf of Essex County

Council. This is because when the Disclosure Team took over the management of the "List 98" as it was known from the Schools Team and "The List" which was held by Social Services in August 2003. Each case was audited by Law & Administration and/or Head of Specialist Recruitment HR the two separate "lists" were then put into one (as it currently stands). All names and related paperwork held for the persons previously on either of the "lists" and subsequently withdrawn from the "lists" during the auditing process have been shredded in accordance with Law & Administrations request at the end of the auditing process. In this sense there is now no way of knowing how many persons were on "List 98" at the 1st April 1998.

Majzoub B Ali

36 Viking Court

Gunfleet

Shoeburyness

SOUTHEND-ON-SEA

E-mail: MajzoubBAli@gmail.com

Education in Decay

Cafas maintains that the educational system is in decay. There can be no doubt that expansion without the corresponding funding must lead to a worse service and that applies to all public services. But to attempt to convert institutions into commercial enterprises can only accelerate the decline. Every week the Times Higher carries reports that confirm standards are being lowered, staff are bullied, stress levels increase, there is widespread plagiarism, research fraud and government rubbishing research that challenges government policy.

In only the last few weeks the Thes reported that three out of five graduates got a top degree classification. It would appear that with expansion and reduced per capita funding students actually do better.

Bangor University was accused of lowering its academic standards with a proposal to increase the number of first-class degrees it awards to compete with its local rival Aberystwyth. (Thes

A leaked survey from Sheffield Hallam University showed that almost 100 members of staff had reported being bullied “always, often or sometimes”. The report also drew attention to staff stress levels and noted that “urgent action” is required in ten areas of work relating to staff stress. The University and College Union said the findings were ‘disturbing’ but praised Sheffield for ‘seeking to understand the issues’. Roger Kline of UCU said the problem was not unique to Sheffield Hallam. There have been suggestions that such problems are more common to the ex-polytechnics than to the old

universities. Is this because they are more willing to implement government policy? (Thes 22/29 Dec.)

Plagiarism and academic fraud are on the increase. That is the impression given by a report by Phil Baty in the Thes of 8 December based on a survey of UK institutions. Twenty-five UK academics have been found guilty of research misconduct in the past three years, including faking results, plagiarism and misuse of funds. Seventy-three cases of alleged fraud were investigated by forty-two UK institutions in the past three years. Sixty-three institutions did not investigate any cases. Baty gives a list of universities who have uncovered “research misconduct” but most got away with it. No action was taken. At worst they were given a slap on the wrist.

Phil Baty and Jessica Shepherd reported (1 Dec.) that academics who come up with research findings that challenge government policies have told how they have been subjected to concerted campaigns of vilification, had their work rubbished and subjected to repeated personal criticisms. Academics reported that they had suffered psychological problems and long-term damage to their career after speaking out, with their research funding drying up. The anecdotal evidence came after the House of Commons Science and Technology Select Committee raised concerns about allegations that the Government had manipulated research findings to favour its agenda. A survey reported in the Times Higher in October last showed that 80 per cent of academics thought that scholars could no longer “speak truth to power”. Many more critics were afraid to be named. One critic who did speak out was Edgar Whitley of the LSE who said his

colleague Simon Davies who worked with him on research that criticised the Government's plans for ID cards was put on "suicide watch". The Prime Ministers Office declined to comment. Boris Johnson Shadow Minister for Higher Education was quick to comment. He told the Times Higher: " In a free society , universities are the vital independent repositories of research, discussion and debate. There is nothing more damaging for political freedom than to close down that debate in universities". Is he too young to remember Sir Keith Joseph?

It has to be remembered that the above examples are only the tip of the iceberg. Universities have ways of not telling the full story when given Freedom of Information requests. The Government recently made it easier to cover up when they set limits to the time deemed appropriate to locate information. The university decides what is appropriate.

When business is corrupt and universities are encouraged to be run on business lines how can they avoid going the same way ? Can the unions do more? Readers are invited to give their views.

Pat Brady

Authorship, ghost-science, access to data and control of the pharmaceutical scientific literature: Who stands behind the word?

This article by Aubrey Blumsohn, Formerly of the University of Sheffield, was originally published in the American Association for the Advancement of Science, Professional Ethics Reports

November 2006

(<http://www.aaas.org/spp/sfrl/per/per46.pdf>) and shortened for CAFAS Update.

Aubrey was suspended from his academic post in September 2005.

Dr Aubrey Blumsohn MSc, MB BCH, PhD, MRCPATH

The past two years has seen widespread commentary about the integrity of pharmaceutical medicine (1,2,3,4,5,6,7,8,9,10). The suggested remedy is that pharmaceutical companies must be divorced from direct involvement in researching clinical aspects of their own drugs (1,5). We are heading, like the Titanic, towards an iceberg of enormous size.

Pharmaceutical companies sell products under the banner of science and medicine. However their raison d'être is to make money. Universities exist for a different reason:- to add to human knowledge and to disseminate that knowledge through publication and teaching. Subtle compromises have allowed the pharmaceutical industry to develop an extraordinary stranglehold over the scientific process, academic discourse, regulatory safeguards and common sense (6,7,8,11). It is hard to see how safeguards for dispassionate scientific discourse can be sustained when medicine flagrantly disregards them.

Ghosts in the machine

The pharmaceutical industry is accused of overturning the usual safeguards of science. The most fundamental of these safeguards is the accountability of authors. Readers of legitimate science expect that stated authors are truly the authors, that they have analysed the data and that they vouch for the work. Industry has been inclined to use universities to give tainted science a veneer of respectability, while denying the very basis of that respectability. "Ghost-writing" has been repeatedly criticized. However, a far more important problem – that of "ghost-science" of which "ghost-writing" is only a part.

International standards were adopted by many scientific journal editors following embarrassing disclosures. These standards (12) reassert the obvious - that authors should state in writing that they have full control of all primary data,

controlled the decision to publish, and will supply raw data upon request.

Lessons from Sheffield

In 2002 I signed a research agreement with P&G in collaboration with another academic, Professor Richard Eastell. The consequences of my disagreement with the company and with my collaborator have been widely discussed in the media. (13,14) and some original documents have been disclosed on a blog (15).

In spring 2006 *The Journal of Bone and Mineral Research* (JBMR, 16) placed an undated "Statement of Concern" on its website. The statement relates to one of three intended P&G publications (17) about patients taking the osteoporosis drug Actonel. The other two publications (one based on an extended set of the same data and another based on new data) have only been published in abstract form because I declined, as first author to sign journal declarations while being refused access by the company to randomization and event codes (13,14,15).

The research involved an important secondary endpoint in the key randomized trials used to gain regulatory approval for Actonel (annual sales ~\$1 billion). P&G repeatedly refused to provide data codes to academic "collaborators". This breached the terms of its contract with the University. Data were required by the academics to verify scientific reports, statistical analyses, meeting abstracts, and draft publications "ghost written" in their names. Over time, increasing information emerged to suggest that the data analysis and data presentation had been incorrect and misleading, but underlying data were still not disclosed.

The first of the three intended publications was submitted by my collaborator to the *Lancet* in 2002 and upon rejection was published in *JBMR* (17). The *Lancet* prescribes that an author must "state that he or she had full access to all the data in the study", and "at any time up to 5 years after publication authors may be asked to provide the raw data". *JBMR* has similar guidelines. Academics at Sheffield would not have been able to provide data if asked (and were indeed not able to) - because they never had them.

Various statements made by P&G officials in their defense are illuminating (13,14,15). They claimed

that "we don't need to ask an independent person to analyse the data just to make a few people happy" (the independent person being the intended first author). They claimed that by supplying authors with data "industry loses the opportunity to demonstrate its ability to be a true partner in scientific endeavours" (13). They suggested (15) that refusal to supply data to authors was in accordance with "PhRMA guidelines" (PhRMA is the US pharmaceutical lobby group). They defended their actions in the press (13) by saying that it is "standard industry practice" to limit authors access to data, and that "occasionally the researcher is given temporary and limited access to data to perform the analyses directly". They attempted to redefine the meaning of "access to data" suggesting that showing an author company outputs or statistical interpretations somehow constitutes access to data.

In April 2006, after a three-year delay, P&G supplied me and Eastell with the data codes underlying the three intended publications. These data, as well as many documents and dozens of tape recordings confirm that the conclusions of the three publications were not in accordance with the data. Discrepancies were obvious. For example, in all three manuscripts, the x-axis of a critical graph was scaled so that about 40% of the data would not have appeared within the scale of the graph. A key conclusion of all three papers was that there was plateau at a commercially convenient point in the response relationship for the drug -- a matter of practical clinical relevance (14 explains how this would have benefited P&G). The data provided no credible evidence to support this conclusion in any of the three publications (13,18).

Data in pharmaceutical medicine is derived from human participants who subject themselves to risk in the public interest. They have the right to know that the data derived from their assumption of risk are used properly. When data are closed to scrutiny even by the supposed authors of research, this cannot constitute an appropriate or ethical use of that data.

The problem of the regulators

The Sheffield dispute was discussed in the UK parliament in December 2005 and was transmitted by the Health Minister to the UK drugs regulator (the Medicine and Healthcare Products Regulatory Agency, MHRA) for "investigation." The MHRA is itself accused of failing to examine or to secure

raw data in drug licensing applications, simply accepting the word of industry with blind faith (4,11). Since this was precisely the problem in Sheffield, its disinclination to investigate was hardly surprising.

No investigation (or at least anything fitting that definition) took place. The MHRA failed to produce any report, declined to accept any documentary evidence (13, MHRA response to FOI request #06/115), stated that the matter was of “low priority” (13), and that the agency does not have any procedure for investigating research misconduct (MHRA response to FOI #06/188). Further, it claimed that the drug regulator has no remit, nor any necessary obligation to be interested in the integrity of the scientific literature about drugs (13, MHRA FOI #06/188) unless related to licensing (and collected using documentation appropriate for licensing). It even argued that it is “illegal” for a scientist to have data pertaining to information written in his name without the consent of the company “owning” that data (13, MHRA FOI #06/115). It refused to compare data it was sent from Sheffield with the original data it should have received and examined as part of the licensing process for Actonel. Initially, this refusal was on the basis that it would be “too much work” (MHRA FOI #06/059). Later, it admitted that that it had not in fact seen or retained raw data prior to approving the drug (MHRA FOI #05/404). With governments setting the standard for scientific conduct, it is hardly surprising that independent science has encountered such difficulties.

Where to from here?

As academics we need to reassert the importance of data and the meaning of authorship. We also need to assert “old fashioned” ideas of academic freedom, our right to speak the truth as we see it, and to allow that truth to be subjected to open debate. There have been many cases where academics have refused to acquiesce (7,19, 20, 21). These instances should be discussed and analyzed so they are not repeated.

In the words of George Orwell (1984) "Freedom is the freedom to say that two plus two make four. If that is granted, all else follows."

References

1. Godley,F. BMJ 2006: 333
<<http://bmj.bmjournals.com/cgi/content/full/333/7558/0-f>>
2. Mintzberg,H. CMAJ 2006:174(4)
<<http://www.cmaj.ca/cgi/content/full/175/4/374>>
3. Chalmers,I. J.R.Soc.Med 2006:(99):337–41
<<http://www.rsmjpress.co.uk/0607JRS M.pdf>>
4. Healy,D. BMJ 2006:(333):92-5
5. Steinman,M.A. et al. Ann. Intern. Med. 2006:(145):284-93
<<http://www.annals.org/cgi/content/full/145/4/284>>
6. Angell,M. The Truth About The Drug Companies: How They Deceive Us and What To Do About It. London: Random House,2005 (ISBN 0375508465)
7. Washburn,J. University, Inc: The Corporate Corruption of Higher Education. Basic Books, 2005 (ISBN 0465090516)
8. Krinsky,S. Science in the Private Interest: Has the Lure of Profits Corrupted Biomedical Research? Rowman,2004 (ISBN 0742543714)
9. Smith,R. PLoS Med 2005:2(5): e138
<<http://dx.doi.org/10.1371%2Fjournal.pmed.0020138>>
10. Graham,D. JAMA 2006: 296
<http://jama.ama-assn.org/cgi/content/full/296.13.jed60058v1>
11. House of Commons Health Committee. The Influence of the Pharmaceutical Industry. Fourth Report of Session, 2005
<<http://www.publications.parliament.uk/pa/cm200405/cmselect/cmhealth/42/42.pdf>>
12. International Committee of Medical Journal Editors (ICMJE)
<<http://www.icmje.org/index.html>>, World Association of Medical Editors

(WAME)
<<http://www.wame.org/wamestmt.htm#fundres>>

13. Collated media reports Blumsohn case:
<<http://www.thejabberwock.org/presshw.htm>> and
<<http://www.doctorsintegrity.org/blumsohn.htm>>
14. Washburn, J. Rent-a-Researcher: Did a British university sell out to Procter & Gamble? *Slate* Washington Post, Newsweek Interactive, 2005, 22 Dec
<<http://www.slate.com/id/2133061/>>
15. <http://www.scientific-misconduct.blogspot.com>
16. Journal of Bone and Mineral Research
<<http://www.jbmr.org/>>
17. Eastell, R., et al. *J. Bone Miner. Res.* 2003;18:1051-6
18. Bland, M. Report for the BBC, 2006.
19. Kahn, J.O., et al. *JAMA*.2000;284:2193-202.
20. Wald A, et al. *Sex. Transmitted. Dis.* 2006;33: 529-33.
21. Rennie, D. "Thyroid storm" *JAMA* 1997;277: 1238-43

NOTICES

NEXT MEETING

20 January 2007 2.00pm Room 253

Agenda

1. Minutes; 2. Matters arising; 3. Academic Freedom; 4. Cases; 5. AOB

There will be an officers' meeting in Room 253 at 1.30 pm

Informal lunch and chat from 12.00 in the Junior Common Room, 4th floor. All welcome.

Dates of Meetings 2007

20 January 2007: room 253
AGM 21 April 2007: room 252
14 July 2007: room 252

Cafas AGM will be held on 21 April 2007

Please send nominations for the Committee to the Secretary, Dr John Hewitt.

CAFAS - ISBN Publisher

Cafas is now a certificated holder of the ISBN Publisher Prefix 0-9550782

We have been allocated 10 numbers two of which are now assigned to:

Michael Cohen & Colwyn Williamson, 2004, *The Mission Betrayed*, Cafas.

ISBN: 0-9550782-0-2

Michael Cohen & Colwyn Williamson, 2004, *The Tangled Web*, Cafas

ISBN: 0-9550782-1-0

Copies of *The Mission Betrayed* can be obtained from Cafas Membership Secretary for £3

(including postage) and of *The Tangled Web*

(including the petitioners' final submission) for £2 (including postage).

Further details are on www.cafas.org.uk

Defending-Academic-Freedom JISCMail List

You can join by going to the Cafas website <http://www.cafas.org.uk> and opening the link.

Committee

Chair:

John Fernandes

76 Bois Hall Rd, Addlestone Surrey KT15 2JN
john.fernandes66@yahoo.co.uk

Secretary:

Dr John Hewitt

33 Hillyfields, Dunstable, Beds LU6 3NS
john.hewitt22@ntlworld.com

Membership Secretary & Treasurer:

Dr Eva Link

17 Highcliffe, Clivesdon Court, London W13 8DP
02089982569; rekgemL1982@yahoo.co.uk

Co-ordinator & Founding Member:

Colwyn Williamson

3 Canterbury Road, Swansea SA2 0DD
01792 517 473; m:07970 838 276
colwynwilliamson@hotmail.com

Founding Member

Michael Cohen

50 Queens Road, Mumbles, Swansea SA3 4AN
m:07917 670 555

mike.cohen4@btinternet.com

Cafas Update Compilers:

Pat Brady

3 Ingleby Way, Chislehurst BR7 6DD
0208 467 2549; patrickbrady@onetel.net

Geraldine Thorpe

Cafas Update
7 Benn Street, London E9 5SU
0208 986 3004; geraldine.thorpe@onetel.net;

Auditor:

Majzoub Ali

36 Viking Court, Gunfleet, Shoeburyness,
Southend-on-Sea SS3 9PT; 01702587995;
majzoubali@hotmail.com

David Regan Appeal

Coordinator: Dr Janet Collett

University of Sussex, Brighton BN1 9QN
01273 473 717; j.i.collett@sussex.ac.uk

Students' Complaints:

Dr Harold Hillman

3 Merrow Dene, 76 Epsom Road,
Guildford GU1 2BX
01483568332; harold.hillman@btinternet.com

Website

Dr John Hewitt

33 Hillyfields, Dunstable, Beds LU6 3NS
john.hewitt22@ntlworld.com
<http://www.ahabitoflies.co.uk>

Committee Member

Dr Aubrey Blumsohn

11 Carsick View Road, Sheffield S10 3LZ
0114 229 5595
ablumsohn-1@yahoo.co.uk

Health & Safety Spokesperson:

Dr David Heathcote

Dept of Applied Psychology, Bournemouth
University BH12 5BB
01202595283; dhealthco@bournemouth.ac.uk

CONSTITUTION

CAFAS' aims are outlined on the membership form. The full constitution can be obtained from the Secretary or www.cafas.org.uk. CAFAS was founded in February 1994. It depends on subscriptions and an active membership. It meets in January, April, July and October.

NEAR

Cafas has linked to the Network for Education and Academic Rights (NEAR).

Information is on the website

<http://www.nearinternational.org/>

'NEAR's purpose is to facilitate the rapid global transfer of accurate information in response to breaches of academic freedom and human rights in education.'

Next Cafas Update

Please send letters, news items and articles to:

Pat Brady

patrickbrady@onetel.net

Geraldine Thorpe

geraldine.thorpe@onetel.net

Deadline: 30 March 2007

Cafas Update Deadlines 2007

30 March 2007

25 June 2007

CAFAS Update seeks to provide an open forum for opinion and discussion.

Items do not necessarily reflect the views of the Council.

SUBSCRIPTION

Dear Members!

Some of you have forgotten to pay your membership fee.

Could you please be kind enough to check the date of your last payment on the address label? If you should find there "**" or "****!!!" could you please send a cheque without further delay as your contribution is absolutely crucial to the well being of CAFAS.**

Many thanks for your contribution.

Your Treasurer and Membership Secretary

Eva Link

**17 Highcliffe,
Clivesdon Court,
London W13 8DP**