**Key Points from “Threats to the University, Humanities and Science” Conference**

**20-23 July 2011**

**Is scientific research over or under regulated**

- Industrial funding is vital to academic research
- There is a misunderstanding amongst academics over what constitutes a conflict of interest leading to people being overly defensive
- Over protection leads to delays and chilling which do more harm - doctors become more concerned with what appears to be the best for the patient rather than what is actually best
- Regulation prevents doctors and patients from making their own decisions
- Regulatory bodies struggle to keep up with the pace of research making them become risk adverse
- Over regulation encourages moving research and clinical trials overseas where there are lower ethical standards
- The public and government often respond to perceived risk rather than statistical evidence - there is a growing expectation of “zero risk” which makes the public more reactive over minor issues, these issues often lead to the vilification of science as they are perceived to be complicit with large companies

**(Mis)Communication Between Scientists and Policy Makers as a Threat to Trust and Accountability in Science**

- Many problems stem from a lack of public understanding of the scientific method and the role of science in policy. This leads to scientists and science in general becoming the embodiment of the theory and as such blamed for its failings/unpopularity
- There is a lack of knowledge on the part of both scientists and policy makers, about how the other operates - Scientists need to understand the processes involved in policy and the importance of social and economic factors. Policy makers must engage more with the concept of uncertainty in knowledge and how there can be disagreement over the interpretation of facts
- The crucial science questions which need to be addressed and considered by policy makers are those with very long term consequences which make them more likely to be handled incorrectly or be unappealing to policy makers. In other words, scientists think more long term whereas political motives are more short term.
- There are conflicting views as to whether a dialogue between scientists and a restricted number of high profile government officials is what is needed, or a more general debate encompassing all involved in policy and communicating with the media
- Universities have to acknowledge their part in the problem - as educators, teachers, lecturers, university officials and regulators of education. Given the high proportion of Oxbridge educated officials in government, these universities are responsible for what has been taught those who are now involved in this problem whether they be scientists or politicians, there is a need to improve communication with each other. The universities have to be stewards of our long term concerns; communication; education; interaction with the media.
- There should be regular, institutional meetings which bring key scientists and key governmental officials together.
• Engagement with the public must go beyond explaining facts and instead engage them in the scientific process, giving them an understanding of how science deals with uncertainty

 Threats from Contracts

• Industrial funding is increasingly vital for academic research however it is usually accompanied by a contract
• Given that the academics are reliant on this funding, the companies tend to offer very poor terms including delaying publications, publishing veto and restricting further use of the research
• These terms lead to a loss of autonomy for the academics involved
• Pharmaceutical companies impose their own experiment/trial design, often split over several sites so that they are the only people with access to the entire data set
• This means academics and doctors are forced to use the pharmaceutical companies interpretation of the facts rather than being able to interpret the facts themselves
• The rise in ghost-written articles, and the reluctance for journals to publish negative results has dramatically reduced how accountable studies are
• The opening up of data would solve many of these problems, by making it accessible then other academics would be able to ensure interpretations are representative of the data. However in order for the data to be useful it must include appropriate metadata and where possible details of experimental data, this could become expensive, with the expense lasting beyond the lifetime of the study (and therefore the associated grant)
• Academics need to gain a better understanding of the law to ensure their academics rights are not undermined
• Elite institutions are the “gate-keepers” to the patients needed for trials, they therefore have a bargaining chip for negotiations

 Threats from Data Protection and from Ethics Committees as Applied to Social Science Research

• Data protection laws have the aim of “regulating the processing of personal data to prevent misuse”
• While there are exemptions for journalism literature and art, there are limited exemptions for history, statistics and research
• Bans on “data export” can make it difficult to collaborate internationally and to share information via the internet
• Covert/deceptive research is “almost certainly” illegal, this has implications for studies where it is not practical to inform the participants of the nature of the study such as research into sexism/racism
• Organisations such as Amnesty International have been excluded from the regulations to allow them to perform their work, however there are no such exclusions for researchers
• Enforcement of data protection laws is rather haphazard leading to uncertainty amongst individuals as to where the line lies between what is and is not enforced
• Academics use a “good guy” image to exempt themselves from much of the law
• The stated role of an ethics committee is to ensure the collection of data and its use in research is ethical however often they become a regulatory compliance committee
• The remit of the ethics committee varies between institutions depending on whether the academics or the governing bodies have the majority of the power

Threats from Freedom of Information Laws

• Overall there is a poor distinction between the governance of a university and the research aspects and how this related to FOI. The situation is complicated further as not all universities are subject to FOI, only those who receive HEFCE funding even though for many universities research council funding accounts for less than half of all income
• By adopting an open data policy, the problems associated with FOI requests could be negated. Generally FOI requests are de-contextualised and badly formatted and so of little value to academics, open access data could be much more useful. Organisations such as The Wellcome Trust and various funding bodies are starting to require academics to make data more available
• Generally current legislation has sufficient exemptions to protect academics and so specific protection is not required and would likely send out a bad signal
• Better education of academics regarding FOI and its exemptions would reduce the concern within the community; currently high profile scientists are being quoted as saying FOI is being used to intimidate scientists whereas those who promote FOI claim scientists have a basic misunderstanding of FOI
• There is 6 years of experience available in the UK and FOI was implemented in the USA in the 1960s and any proposed changes should centre around problems that have been experienced and not the fears of what might happen

Threats from the Libel Laws

• The majority of libel cases centre on medical research due to its level of public interest
• Typically involves individuals as claimants as companies have learnt that libel cases are generally bad for PR and often require the disclosure of damaging information
• It is impossible, even with extensive review and changing of current laws, to prevent libel actions however it should be possible to reduce the use of threats to discourage free speech
• There is a currently a general attitude amongst journalists and publications that it is better not to publish or write a truthful, well researched article if it is likely to be the target of libel action and this needs to be tackled. This has even reached the extreme where lectures about libel are being prevented. This also means that important information is prevented from reaching the public domain due to the fear of libel
• It is not in the interest of free speech to have laws which make doctors afraid to publicly criticise a medical treatment, technology or device for risk of being sued rather than preventing or persuading patients to avoid unrecommended treatments
• While most cases either fail to go to trial or are found in favour of the defendant, both parties still incur huge costs which are usually not recovered in whole
• Libel tourism is an increasing problem with cases being brought before British courts which have only a slight connection with the UK as claimants feel they have a better chance of winning here
• The extent to which qualified privilege can be claimed with regards to conferences and academic papers is unclear and leads to a chilling effect
Those with editorial positions with peer reviewed journals are forced to consider whether they will might face libel proceedings leading them to be reluctant to publish controversial findings.

- There is a difference of opinion about whether academic free speech should be awarded more protection than free speech in general.
- More trust must be placed in the public to discern what is truthful and what is not.
- The internet adds an extra dimension to the libel debate; if bloggers refuse to respond to threats then the web host is threatened who are usually quick to remove the site.

**Threats to Academic Freedom: How do the various threats considered during this conference implicate academic freedom?**

- Academic freedom is designed to ensure academics can perform their work without external interference.
- The key protections are the right to choose your research area, publish freely, to teach using the material and methods of your choice and to have access and control of data.
- However the increase in industrial sponsorship risks limiting these rights, additionally other concerns can limit academic freedom such as data protection where the privacy of an individual overrides the academic freedom.
- Another key element of academic freedom is the separation of university governance and academic pursuit, incorporated in to this is the right to criticise the governance.
- There can be confusion arising from the context in which an academic is acting, does academic freedom extend to situations outside of the academic arena or where the academic is speaking in a different capacity such as in the case of Professor Nutt where he was acting as a government advisor.
- Perhaps a preferred model would be one similar to that found in Germany where academic freedom is not limited to those who work in academia, instead they have a concept of “intellectual freedom” which extends to all citizens.