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SANTA BARBARA • SANTA CRUZ

OFFICE OF THE PROVOST AND SENIOR VICE PRESIDENT—  
ACADEMIC AFFAIRS

OFFICE OF THE PRESIDENT  
1111 Franklin Street  
Oakland, California 94607-5200

February 23, 1999

Harold E. Varmus, M.D.  
Director  
National Institutes of Health  
126, Building 1  
9000 Rockville Pike  
Bethesda, MD 20892

Dear Dr. Varmus:

I am writing with respect to the terms of an RFP (# N01DA-9-8086) recently issued by the National Institute of Drug Abuse (NIDA). The proposed contract contained restrictions that make it unacceptable to the University of California (UC), restrictions that the Institute refused to negotiate. Because of the seriousness of the restrictive clauses and the unfortunate precedent that they set and because of the apparent inflexibility of the Institute with respect to the issues at stake, I believe it important that the University of California state its position. In short, we object to these restrictions in the strongest possible terms.

The first of the restrictions requires permission or approval from NIDA for any publication of the data resulting from the contract. Although third-party review of the data prior to publication is not objectionable to us and is commonly included in UC contracts, third-party permission is unacceptable to us. Such a restriction strikes at the base of a core academic principle, that of free publication and access to information. The second restriction is also oppressive, as it prevents the investigator from retaining a copy of the data or for using it for any other purpose.

These restrictions are a barrier to participation by any University of California campus. Each of the Research Vice Chancellors, at all nine campuses of the University of California, has signed the enclosed statement signifying their opposition to these policies and their unwillingness to accept contracts containing them on their campuses. I believe that many other academic institutions will also find them problematic.

I respectfully request that these policies be carefully reviewed and revised. I do not believe that the National Institutes of Health, as a public agency, should exert this kind of chilling influence on the free exchange of scientific information.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert N. Shelton".

Robert N. Shelton  
Vice Provost for Research

Enclosure

cc: Provost King