



# Whistleblowers: Defending Academic Freedom

## The Threat to Public Research

Public-private partnerships in university research are on the rise. Private corporations, recognising the opportunity for quality research at a fraction of the real cost, have taken advantage of public-private funding models to generate proprietary research outcomes.

As research institutions have become more reliant on private sector money, private corporations have come to influence both the direction and the reported results of research. Researchers who have been unwilling to tailor their work to the needs of private sponsors have become the targets of academic censorship and, in some cases, reprisals and public smear campaigns. Students are particularly vulnerable when trying to uphold research integrity because they lack the protection of mechanisms like collective agreements.

The federal government has contributed to the rise of private influence in Canadian universities by introducing programs intended to maximise the commercialisation of research. Programs such as the Canadian Foundation for Innovation have increased the number of corporate-university research partnerships by stipulating that research projects with a private sponsor will receive matching public funds.

## Sounding the Alarm on Corporate Influence

Over the last decade, the negative effects of corporate sponsored research have become apparent. A recent survey of researchers in the United States of America revealed that scientific misconduct had become commonplace in that country.<sup>1</sup> Of the researchers surveyed, 33% had engaged in some kind of significant misconduct including data falsification, plagiarism, and violation of ethical requirements. 15.5% of respondents had changed the research design, methodology, or results because of pressure from a funding source.

The research community has become more vocal over its concerns with the private sponsorship of university research. In a recent letter to *Science*, 40 prominent scientists wrote that matched funding requirements were "eschewing scientific excellence"<sup>2</sup> by funding those projects deemed commercialisable rather than funding projects in the public interest. The Canadian Society of Biochemistry, Molecular, and Cellular Biology is petitioning the federal government to address these concerns.<sup>3</sup>

## Corporate Interference: The Olivieri Case

Scientific inquiry requires the free flow of information. But industry-sponsored contracts often include non-disclosure clauses to prevent the dissemination of research. In some cases, this non-disclosure poses a serious threat to the health of Canadians.

While working at the University of Toronto affiliated Hospital for Sick Children (HSC), Dr. Nancy Olivieri signed a contract to

test a new drug for the pharmaceutical company Apotex. Upon discovering that some of her child subjects were experiencing high levels of iron toxicity that could lead to life-threatening liver cirrhosis, Olivieri immediately stopped the tests and insisted that the health risks be communicated to her patients' parents. Citing the contract's non-disclosure clause, Apotex not only refused to communicate the risks, but also halted all further drug trials at the HSC, confiscated the trial medicine, fired Olivieri from the study, and threatened her with litigation if she divulged any information to her patients.

Acting on her ethical obligations and confident that the University and the Hospital would support her, Olivieri informed her patients of the risks. A bizarre series of events ensued that the *Globe & Mail* would later refer to as "Canada's worst academic and research scandal in decades"<sup>4</sup>.

Olivieri began receiving anonymous threatening letters that were later proven to have been sent by a co-worker who was a recipient of Apotex funding. Anonymous letters containing unfounded allegations against Olivieri were also sent to the media and the HSC disciplinary committee. Apotex, as well as some hospital and University administrators, later used these allegations as a basis to level charges against Olivieri. Apotex also used these allegations in attempts to discredit Olivieri.

Six years after the first signs of problems with the drug were detected, the Independent Committee of Inquiry<sup>5</sup> exonerated Olivieri of all allegations of misconduct. The Committee's report recommended that universities be prohibited from entering into research contracts that restrict the communication of results. The report was explicitly critical of the University and the HSC for failing to protect Olivieri's academic freedom. At the time Olivieri came under attack, the University was in negotiations with Apotex over a \$20 million building investment.

As a result of her experiences, Olivieri helped found the organisation Doctors for Research Integrity and works to oppose the adverse influence of corporate interests on public research.

## A Threat to Public Health: Misconduct in Research on Drinking Water

In another example of corporate interference in the dissemination of critical research results, a drinking water experiment that took place in Warton, Ontario has led to questionable results that could have significant public health risks.

In summer 2000, a large chemical company collaborated with the Ontario Ministry of the Environment, the Ontario Clean Water Agency, a Canadian university's drinking water research group, and the Warton municipal government to test chlorine dioxide as an alternative to traditional chlorination in the

**“The whistleblower is an essential element in the effort to protect the integrity of [government] supported research because researchers do not call attention to their own misconduct.”**

U.S. Dept of Health and Human Services, Office of Research Integrity

**“It is [the university’s] duty to act strongly in support of their researchers’ independence or academic freedom is threatened.”**

Report of the Committee of Inquiry on the Case Involving Dr. Nancy Olivieri, the Hospital for Sick Children, the University of Toronto, and Apotex Inc.

town’s drinking water. Warton residents were not informed of the experiment in advance, even though the chlorine dioxide disinfectant byproduct levels were above the United States Environmental Protection Agency’s “maximum contaminant level goal” for about one month<sup>6</sup>.

As the study was being conducted, Warton residents filed dozens of complaints about bleach stains on laundered clothing, taste and odour problems, and even the death of pets. In fact, complaints by residents prompted the early termination of the study following headlines in the *Globe & Mail*, *National Post*, and *Toronto Star*.

However, academic publications following the experiment lauded it as a success, claiming that “no customer taste and odor complaints were reported during the study period”<sup>7</sup>. Even the university publicised the “novel and successful trials to improve Warton, Ontario’s drinking water”<sup>8</sup>. In May 2005, Health Canada has proposed new Canadian drinking water quality guidelines, citing the report as evidence that chlorine dioxide can “maintain water quality”<sup>9</sup>.

Efforts to expose the discrepancies in reports on the Warton experiment by a former graduate student, Chris Radziminski, have been ignored by the university. Although the Natural Sciences and Engineering Research Council partly funded the project, it insists that the complaint was “purely a private matter” and that NSERC has no mandate to protect whistleblowers.

### **Building Walls Around Research: The McLachlan/Mauro Case**

Given the decline of post-secondary education funding, it is no coincidence that growing corporate presence on campus has occurred rapidly, sometimes creating a chilling effect on research activities. Underfunding can make universities more unwilling to offend corporate donors, which can lead to efforts to suppress the dissemination of controversial research.

This has been the case for two researchers from the University of Manitoba: Ian Mauro, a PhD student, and Dr. Stephane McLachlan, a faculty member. In 2001, Mauro and McLachlan received funds from the Social Sciences and Humanities Research Council to undertake a research project that included a documentary on Canadian farmers’ experiences with genetically modified crops. The film was completed in 2003.

After viewing the film, the University refused to allow it to be screened, using a clause in McLachlan’s collective agreement that grants 50% of the film’s copyright to the University. The University cited fear of litigation from Monsanto, a large biotechnology corporation. The

University entered into a series of negotiations with McLachlan, proposing conditions on use of the film thereby preventing its screening for over two years.

While the University was suppressing the film, it was planning with the the relocation of Monsanto’s Canadian headquarters to a new \$6.5 billion building in the University’s research park. The University’s Vice-President was negotiating with both Monsanto and the researchers.

In fall 2005, media across the country picked up on the story. Due to public pressure, the University administration conceded to allow the researchers to screen the film on the condition that a disclaimer that the film did not reflect the viewpoints of the University of Manitoba was added.

Despite this victory, Mauro is still fighting for the right to use the documentary as part of his dissertation.

### **Towards Whistleblower Protection in Canada**

Despite the critical role whistleblowers play in ensuring integrity in university research, they have no formal protection in Canada. With increased corporate influence on universities, university administrators seem disinclined to support researchers standing up for academic integrity.

The federal granting councils are responsible for overseeing the ethical frameworks of universities to ensure that research “meets the highest international standards of excellence”. However, the councils’ Integrity in Research and Scholarship policy statement does not include a provision for protection of whistleblowers from retaliation.

In contrast, national regulations in the United States of America recognise the role of the whistleblower as essential for upholding research integrity. The Whistleblower’s Bill of Rights states: “Institutions have a duty not to tolerate or engage in retaliation against good-faith whistleblowers”<sup>11</sup>. The exclusion of whistleblower protection in Canadian guidelines undermines efforts to ensure research integrity in Canada.

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