

*Research Universities and Today's Environment
for the Free Flow of Information
(NAAUG Annual Meeting—June 1, 2003—Luncheon Address—William F. Decker,
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Thank you for inviting me to spend a little time with you today. I know that you were treated to a proper welcome at the Natural History Museum last evening, but on behalf of President David Skorton, the rest of the central administration, and the faculty of The University of Iowa, welcome once again. We are honored that you have chosen to meet here in Iowa City.

I spent a little time yesterday familiarizing myself with your organization and with the program for this conference. I still claim to be a computer scientist, and so the program for this conference is quite appealing. Much of my research life, as well as my stint at NSF, has been spent on networking and advanced Internet capability. So I got a real kick out of seeing the phrase “concurrent distributed sessions” and noting that many of your sessions appear to involve notions of distribution and networking. Very cool!

The only thing I haven't yet learned is whether NAAUG is one of those organizational acronyms I'm supposed to pronounce, like NASULGC, or spell out, like NCAA or AAU. “Naugh” or “Nay-ug” doesn't quite roll off my tongue, though perhaps it does off yours. I might need a lesson later.

Unfortunately, in my current position, I don't get to spend very much time specifically focused on technology, networks, and computer science. As you know, I presently serve as The University of Iowa's senior research officer (SRO). My office is responsible for the following functions:

- Our Division of Sponsored Programs seeks to inform the University community of the availability of external sources of support and then to provide the services needed to permit application for or contracting for that support. This unit also works very closely with grant accounting for post-award management of grants and contracts.
- Regulatory compliance has become an enormously complex and expensive cost of doing business. This involves human subjects oversight, the animal care and use function, conflict of interest management, responsible conduct of research, and health protection services (hazardous waste management, biosafety management, and the like).
- We participate actively in research development activities, assisting Colleges and individuals in assessing emerging programs and the opportunities that The University of Iowa may have to capitalize on such opportunity through appropriate alignment of its strengths.
- Intellectual property management, technology transfer support, and corporate relations activities, along with management of the Oakdale Research Campus, just outside of Iowa City, help us meet our responsibility to disseminate knowledge

for societal use (primarily in the form of inventions) and make up a part of our contribution to economic development efforts.

- Finally, we operate a number of central research support facilities (microscopy, for example), and we oversee several multidisciplinary research units, including our fine Public Policy Center, the Office of the State Archaeologist, the Center for Biocatalysis and Bioprocessing, the National Advanced Driving Simulator, and the Center for Global and Regional Environmental Research.

My claim today is that in meeting these several responsibilities, the Office of the Vice President for Research increasingly has to confront issues that interfere with the free flow of information—I have been alarmed in the last six or more months with the increasing number of issues that come to my attention related to information availability or constraint. For those of you representing other institutions of higher education, I expect you will find the same thing to be true at your universities or colleges.

Presumably, each of you is involved with a library or with the work of libraries in some capacity. None of our social institutions are as deeply rooted in—or more protective of—the concept of free flow of information than are libraries and the individuals who work in them. All institutions of higher education are deeply committed to providing environments for the free exchange of ideas and discourse. Our teaching missions are fundamentally rooted in such notions. For research universities, there is the additional dimension of knowledge discovery and the responsibility for dissemination of research results. By the way, when I use the word “research,” I always mean to include research, scholarship, and creative activity so as to embrace all of the knowledge discovery pursuits in which our scientists, humanists, and artists engage.

So, if I am right about your involvement with libraries, and if I may therefore assume that you share along with me a deep and abiding respect for the value of open information access, free flow of information, and the value of information dissemination, then I suggest that this is an important time for us to take stock of the environment in which we presently find ourselves.

This nation has always been on guard against censorship, violations of first amendment freedoms, and other forms of information restraint, constraint, or interference. Indeed, we so fiercely guard against such interference, that we sometimes have to grit our teeth when confronting situations where the information content may be personally reprehensible, or when the speaker is someone with whom we may have extraordinary disagreement, or when we know the potential exists for the availability of the information to result in personal or organizational detriment, destructive applications, or other kinds of societal harm.

Again, I suggest that this is an important time for us to take stock of our information environment. For those of us working in research administration, including the several kinds of responsibilities I described earlier (sponsored programs, regulatory compliance, technology transfer), there is continual evidence of effort to restrain information flow, prohibit information flow, or to otherwise interfere with information flow. To be sure, the

events of September 11th have introduced numerous forms of attention to information and its access. However, September 11th notwithstanding, there are several other forces at work too. Among these are the economy (most particularly the economic downturn), legitimate concerns about personal privacy—perhaps especially financial and health information, the well-meaning intentions of individuals, pressures from certain corporate interests, and responses to technology issues.

What I want to do over the next few minutes is to discuss a few examples in each of these areas. You already know that many of these issues are complex. You will understand the motivation to constrain the information flow, and you may decide that in some cases that flow should be constrained. Likely, you will also understand that allowing some information flow would be a good thing. Again, my purpose here is this:

- Efforts are always being made to interfere with information flow and access, but there are moments in time when numbers of events create extra pressure on the free flow of information.
- We have an obligation to pay attention to such environments and to make conscious decisions, through our democratic processes, as to how we will respond.
- Given your professions, I expect you are especially well-positioned to participate in protecting our rights to information access and availability.

So let's begin with the easy one. Information access and availability responses to the events of September 11th have been numerous:

- SEVIS (the Student Exchange and Visitor Information System) and other restraints on the involvement of the international community in our research activities—My position is that involvement of international students and faculty scholars contributes significantly to international understanding, improved communication between our nations and cultures, and greater appreciation of the citizens for each other and their respective cultures. Moreover, we are now participants in a global economy, which is greatly influenced by a global research environment. Our combined educational, scholarly, and creative interests may also contribute to an improved global environment. While I understand the intent of the SEVIS system, the problems that it has introduced for international visitors and for some of our research programs have at times seemed unreasonable.
- The new Department of Homeland Security (DHS) will have a division devoted to sponsored (i.e., funded) research and scientific activity. There has been great concern to date that DHS, in conflict with prior White House National Security Decision Directive 189, intends to support three kinds of work—classified, unclassified, and sensitive by unclassified. Moreover, there is some expectation that the agency may use an instrument for award which is neither grant nor contract but something called “other transaction,” which opens the door to various kinds of publishing constraints. For those of us in research administration, neither of these policies is acceptable. We much prefer that awards be strictly either classified or unclassified and that either grants or contracts be the instrument for

award. By the way, we believe we are seeing DHS influences in other federal agencies as well.

Next, I offer an example of how economic environments may influence information flow. Most states, at least 40 of the 50, are facing severe economic problems. One reaction has been to look around for ways to stimulate the economy, and that has frequently resulted in stronger and stronger expectation that universities and their research enterprises should be the fuel for economic recovery. For public universities, state legislatures find extra opportunity to impose this expectation. Because state legislatures tend to translate economic growth into new businesses **within** the state and new jobs **within** the state, they may seek to enact policies requiring that public university technology transfer efforts be focused on state level opportunities. In fact, this may be contrary to the federal Bayh-Dole act, which seeks to insure that federally funded research is broadly disseminated and has maximal opportunity to create societal benefit. Thus, well intended public policy reduces information flow and may even limit the applicability of technology transfer results. This is not to say that we don't want to help our state economies, but there are other factors at work here.

Let me turn next to issues of personal privacy. Perhaps the best example and the most current example is HIPAA (Health Insurance Portability and Accountability Act), which now provides for very strict regulation of access to personal health records and information. Another might be Title V of the Gramm-Leach-Bliley act relating to privacy of financial information. You have no doubt by now seen evidence of each of these acts in your personal lives. I do not take issue with the importance of these regulations and policies. At the same time, I can tell you that from the point of view of research and research administration, these acts introduce serious new difficulties and costs. For example, an epidemiologist in a college of public health, whose very work is based on population-based studies of disease identification and development, now faces extra difficulty in gaining access to health data due to requirements for "anonymization" (de-identification) of the data. In some cases, combinations of necessary variables which are individually de-identified can still lead to identification of individuals, and so the combinations may be denied. We could get into discussions here of human subject issues, consent forms, and other instruments, all of which add cost and regulatory burden, but note the inherent conflict between public good and personal privacy. We would surely want disease identification and trending to be done though not at the expense of an individual's privacy.

I earlier mentioned the idea that information flow might be inhibited by the well-meant intentions of individuals. For example, many would argue that research should not be supported by special interests—tobacco money, for example. In other cases, arguments against specific research programs are offered, sometimes with the suggestion that an institution should not engage in a particular research area. Given events of recent years, arguments are sometimes voiced against research related to select biological agents or radiological systems. In Iowa, there is debate as to whether we should be engaged in research on genetically modified organisms (GMOs). In part, this ties back into the discussion about economics, for in this case there are concerns that uncontrolled GMOs

might destroy a crop-based economy, while others argue that GMOs may offer an economic boon in the form of such things as ability to “grow new drugs” for extraction from crops.

Corporate interests also play a significant role. There is no hiding the fact that the Digital Millennium Copyright Act (DMCA) was strongly supported by segments of the entertainment and computing industries. There clearly are ways in which the DMCA interferes with legitimate information access and with selected areas of research. Yet at the same time, we all respect the intent of our intellectual property laws. Finding an appropriate balance will continue to be a challenge. We should also mention again here the type of influence that a corporate sponsor may have on research programs—publication constraints, expectations regarding results, and other forms of conflict of interest.

Finally, to provide an example of non-DMCA issues on information access and availability that derive from the technology arena, permit me to speak to our friend SPAM—well, maybe your friend, SPAM, certainly not mine. In discussions with campus information technology providers, I know there is a strong sense of dilemma. Some institutions have placed what amount to filters at the borders of networks to attempt to reduce the impacts of SPAM. In such cases, some have objected that free speech is being inhibited or that personal privacy may be invaded. How shall we balance these legitimate concerns?

I hope that this set of examples in some way convinces you how fragile the environment is in which information and its availability lives. Pressures on the free flow of information come from many directions and from many interests, most of them quite legitimate. However, without access to information there cannot be knowledge, without knowledge there cannot be education, without education there cannot be understanding, without understanding (and compassion) there cannot be enlightenment. *“Enlighten the people generally, and tyranny and oppression of body and mind will vanish like evil spirits at the dawn of day”* (Thomas Jefferson).