

Center for Regulatory Effectiveness

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Jane Buck
President
American Association of University Professors
1012 Fourteenth Street, NW, Suite #500
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Dear Ms. Buck:

The recent federal legislation and guidelines on data quality standards for information disseminated by federal agencies has significant implications for the academic community and policies balancing academic freedom with academic responsibility. We believe that in view of the new standards, universities should examine the adequacy of their existing policies, and we are making several recommendations for such reviews at the end of this letter.

The Center for Regulatory Effectiveness has an institutional commitment to the improvement in the quality of information disseminated by federal agencies to the public in connection with regulatory proceedings and otherwise. Federal agencies are sometimes strongly influenced by data and information submitted to them by university faculty and staff. Therefore, we are sending this letter to a large number of American universities and their national organizations.

In 1995 and 2000 Congress enacted legislation to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by federal agencies. The Office of Management and Budget was given the lead in publishing government-wide guidance and coordinating development of agency-specific conforming guidance. OMB made clear that the quality standards apply when a non-governmental party submits information to an agency with the intent that it be used by an agency in a dissemination.¹ Subsequently, federal agencies adopted this OMB position in their own

¹ See the June 10, 2002 memorandum from John D. Graham, Administrator of OMB's Office of Information and Regulatory Affairs, to the President's Management Council, which can be found at http://www.whitehouse.gov/omb/inforeg/iqg_comments.pdf.

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guidance.² On July 1, the Environmental Protection Agency took the added step of issuing formal “assessment factors” to use in evaluating information submitted to the Agency by external sources.³

The new federal data quality standards come into play when university faculty or staff submit data or analyses to federal agencies with the intent that the agency rely on and use them in developing and disseminating agency information. The university should have a particular interest in these new standards when its faculty or staff submit information or analysis to federal agencies using their university affiliation.

Many universities have policies on academic freedom and responsibility which apply to faculty. While some of these policies make clear that academic freedom must be coupled with the responsibility to uphold professional standards and communicate with intellectual honesty and accuracy⁴, others speak only to academic freedom and not responsibility⁵. Also, in many cases, university policy on academic freedom and responsibility appears to apply only when faculty members communicate in an independent capacity rather than in the name of the university; and many universities do not have a policy that covers administrative personnel who purport to speak on behalf of the university.

The new federal data quality standards for information submitted by outside parties, including academics, are consistent with, and augment, the policies of universities which require that academic responsibility in the form of intellectual honesty and accuracy be coupled with academic freedom. The federal standards require that information disseminated to the public be “objective”. “Objectivity”, as defined in the federal guidance requires that data be “presented in an accurate, clear,

² See, *e.g.*, the U.S. Department of Transportation’s guidelines, sec. III, a, and the U.S. Environmental Protection Agency’s guidelines, sec.6.5. The DOT guidelines can be found at <http://dmses.dot.gov/submit/DataQualityGuidelines.pdf>, and the EPA guidelines can be found at http://www.epa.gov/oei/qualityguidelines/EPA_OEI_IQG_FINAL_10-2002.pdf.

³ See <http://www.epa.gov/fedrgstr/EPA-GENERAL/2003/July/Day-01/g16328.htm>.

⁴ Many universities adopted the 1940 “Statement of Principles on Academic Freedom and Tenure” developed by the American Association of University Professors and the Association of American Colleges. That Statement couples academic freedom with a “special obligation” of faculty members, when speaking as citizens, to “at all times be accurate”. Policies or Faculty Handbooks of individual universities, such as the University of Michigan and Oregon State University, speak of the responsibility for “intellectual honesty”. Some university policies are more detailed on this subject, such as those of the University of Maryland (sec. III-1.10(A) on “Scholarly Misconduct”) and Cornell University (Policy 1.2, on “Academic Misconduct” and ch. 5.0 of the Faculty Handbook on “Academic Policies and Responsibilities”).

⁵ See, *e.g.*, ch. 4 of the Stanford University Faculty Handbook.

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complete, and unbiased manner”, and that the substance be “accurate, reliable, and unbiased.”⁶ These standards are clearly aimed not at personal views or opinions, but at data and information which is capable of being judged by such standards. While it might be a truism that complete objectivity is an unrealistic goal, the goal of substantial objectivity lies at the heart of modern scientific and technical endeavors.

Recently, we have become aware of several instances in which university faculty and/or personnel have submitted information and data to federal agencies on, or pertaining to, agency programs or proposed regulations in the form of comments or research which clearly did not comply with the new data quality standards. Those submissions either had not been peer reviewed, or peer review comments had been disregarded. Such non-compliance took the form of significant omissions, inaccuracies, and manifest biases. In some cases, this non-compliance was compounded by the issuance of university press releases emphasizing certain aspects of the flawed information. Additionally, some information was submitted to the agencies using the author’s university affiliation.

In view of the importance of these new federal information quality standards and their applicability to non-governmental parties, we recommend that universities and their national organizations take the following actions:

1. Advise both faculty and administrative staff of the new standards and their applicability to information and data submitted to federal agencies with the intent that the agency use it in a dissemination to the public.
2. Ensure that their policies on academic freedom and integrity clarify that university personnel are responsible for intellectual honesty and accuracy as reflected in the federal standards.
3. Ensure that their policies make clear that the federal standards apply regardless of whether the university personnel give the appearance of communicating in their university capacity or in an individual capacity.

Thank you for considering these recommendations. We would appreciate being advised of any action you take.

Sincerely,

Jim J. Tozzi
Member, CRE Advisory Board

⁶ Sec. 5.1 of EPA final guidelines, *supra*; OMB final guidelines, *supra*, at 67 Fed. Reg. 8459 3d. col., Feb. 22, 2002.