

# University of Manitoba, Monsanto, And The Battle for Academic Freedom

## A Background to the controversy surrounding the Seeds of Change Video

It has been three long years since University of Manitoba PhD candidate Ian Mauro, Dr Stephane McLachlan and Jim Sanders completed their video documentary - Seeds of Change. The video, whose public release has been prevented by the University of Manitoba Administration, examines the controversy surrounding the use of Genetically Modified (GM) crops across the prairies. Publicly funded, and part of a more comprehensive research program examining the risks associated with biotechnology in agriculture, this documentary contributes a new voice and perspective to the debate – that of farmers.

A large majority of farmers make use of GM crops in Canada, and these experiences – both good and bad - continue to be neglected and marginalized in decision-making. Seeds of Change was finished in the fall, 2002 and, along with the rest of the GM research, has garnered interest from farmers, researchers, and policy makers from around the world – including those from the Australia, EU, and the US. But it has not been released. Why?

The Administration has actively prevented the release of this video through the use of outdated bylaws that give the university 50% of the Intellectual Property over this important research. And why would the Administration do this? Their exact motives are not known. However, this entertaining, creative, and highly accessible video is balanced and provides both pros and cons surrounding the technology – a “radical centre” position that immediately gives the video credibility in a debate that is fueled by extreme positions.

Alan Simms Associate Vice President (Internal) stated, “*I've seen (the video) and I think it's fair. It's not a biased kind of thing.*” It is especially important to note that the video is explicitly critical of the technology as a whole and, in particular, Monsanto – a multinational company that dominates the market in GM crops. The same Monsanto that has a long and intimate relationship with the University of Manitoba – once on campus and now in the university’s industrial “Smart Park”.

Predictably Administration has tried to justify its position in its refusal to allow the video to be shown publicly. However, these responses are easy to refute and simply act to obscure the undeniable – that the Administration’s actions have prevented and continue to prevent the release of the video and the research it represents.

## *Point - Counter - Point:*

Below are quotes that reveal the four central positions that the Administration has taken in the media – and the responses of video researchers to these positions.

**The first position:** The Administration questions whether the video researchers have obtained adequate releases and is ostensibly concerned about the wellbeing of the farmers that participated in

the video. Such that, according to John Danakas (University Public Relations Officer), “*Our primary concern has been with the farm families who were interviewed for one purpose, and ensuring that they've given permission for that footage to be used for another purpose, if the University of Manitoba is still to be associated with the project.*” Similarly, according to Dr Joanne Keselman (Vice President Research) – “*our issue is making sure that we are conducting research activities in accordance with the highest ethical principles or standards*”

**The facts:** The Administration knows that proper video releases were obtained. Because the university lawyers helped draft this legal document along with lawyers from a distributor, who to make the video available around the world, and along with the researcher’s own university-appointed independent legal council. The Administration claims that they do not have these releases in their position – this at best reflects that the university has lost track of these documents or, at worst, reflects their attempt to distract the media and to create some doubt about the integrity of the video researchers. You get to choose.

**The second position:** The Administration claims that it has not obstructed the video. “*Keselman emphasized that there are two, and only two, conditions that must be fulfilled before the documentary can be used non-commercially. The first: a disclaimer that the opinions represented in the university are not representative of the university in any way...The second of the provisions requires expressly written permission to use the raw footage from all the farmers interviewed in the project*” and further “*Keselman said that the video could be shown publicly at any time, with the Dean's permission – and with the fulfillment of the university's two conditions*”

**The facts:** The last time the video researchers formally met with Administration (Nov 5, 2004), they were served with a document that listed a series of conditions (many more than two!) that had to be met before the Administration would be ready to transfer its interests over to the researchers: this transfer necessary if they were to release the video. There are six conditions.

The first five:

- 1) that the researchers indemnify the university, and agree to cover any expenses or damages that might arise from the video;
- 2) that the researchers pay back the university \$28,000 it spent to extricate itself from a relationship with an outside investor who wanted to distribute the video internationally;
- 3) that the researchers stipulate that the video does not necessarily reflect the university’s position on biotechnology;
- 4) that the researchers not distribute the video using the university website;
- 5) that the researchers not affiliate with the university.

The video researchers, along with their independent legal council, attempted to negotiate these conditions with the Administration, especially regarding indemnification. Indeed, they found a way to insure the video for \$5,000 over three years, which would have eliminated any financial risk to the university – this costing a fraction of what the Administration has since paid for the researchers’ lawyers alone. After years of meetings and correspondence with the Administration, the researchers’ lawyer recommended that they break off negotiations last June, 2005, since these conditions only acted to put the video researchers at progressively greater risk. As for the role of the Dean? That would be premature since the conditions for release had yet to be worked out. Moreover, it would be highly irregular, from an academic standpoint, that any Dean would be able to control how (or whether) research was released.

**The third position:** The sixth and final condition, and one that is implicitly contradicted by all the other conditions: that the video researchers deny that their video had anything to do with their research programme or indeed the university. To quote the Nov 5 document directly: “*that they produced the film...independently of the University using their own initiative and resources and not as a part of, or in the course of, employment of the University*”. The Administration continues to claim that the video has nothing to do with the university and is only a commercial venture on the part of the researchers. So “*“Keselman emphasized that the documentary was created independently of the university”* and again according to Keselman “*Further that the documentary is a project independent of the university... “We have no interest in the documentary” but the university has a stake in the raw footage used in the documentary.”*

**The facts:** The video is at once part of and reflects the larger research programme – one that analyses the risks associated with biotechnology and one that is located in the experiences and expertise of farmers. Indeed:

- The video was indicated as an outcome in both funding proposals that resulted in the GM research. Thus, as more implicitly indicated in the SSHRC proposal, “*the use of pamphlets, web pages, and video-documentation will play a central role in making the results accessible and relevant to community members*”. In the Agriculture and Agri-Food Canada proposal it more explicitly indicated “*30-minute video documentary to be used for educational purposes*” and later “*effective communication would be ensured by quarterly reports, media releases, web sites, video documentary, peer reviewed publications, workshops, and demonstration sites.*”
- Video documentation and documentaries have been featured in every major funding proposal McLachlan has written in the last two years. Video documentation plays a central role in most of the research projects conducted in the Environmental Conservation Lab, indeed roughly a third of the 13 graduate students currently working in the lab are making video documentaries, and over half use video to document and to analyse results.
- All three of the video researchers (Mauro, Sanders, and McLachlan) were employees of the university when the video was shot and when initial editing took place. Since the university paid back the distributor his “seed funding”, the video has funded by through the university – *in its entirety*. And hundreds of thousands of dollars in university funds, in-kind support, and volunteer work affiliated with the university have been invested in the video, a video shot and edited using university equipment.
- The original consent forms, these mentioning video documentation, and the video releases, these constructed with the input of university lawyers, were all on a university letterhead – with university approval
- Each time the video researchers have shown the video to the Administration, it has always been accompanied and legitimized by a research presentation that communicated the associated paper-based research outcomes.
- The video has always been listed in the researcher’s CVs as a “non-refereed (research) publication. A copy of the video was included in McLachlan’s applications both for promotion and for tenure, without comment by the Administration. McLachlan and Mauro made a presentation on their use of video in research at the Annual Meeting of Rural Sociology, back in Aug 2003 in Montreal, featuring and showing clips from this video. In 2004, McLachlan and Mauro gave a workshop to students and faculty at the NRI on the use of video (documentaries) in research.

- In 2003, McLachlan threatened to take file a grievance with UMFA, because delays by the Administration were compromising his research and his promotion.
- McLachlan has communicated on numerous occasions that the delays by the Administration would compromise other video-based graduate research in the lab.
- In much of the email correspondence with the Administration it is communicated implicitly and explicitly that the video is both part of and reflects the larger research programme on GM crops. So to now deny this long-term research relationship is simply legal fiction.
- Any statements contradicting this simply reflect an Administration-initiated strategy to divest itself of risk associated with the video. In early 2003, after nine months of refusing to relinquish ownership of the video (see proposed distribution agreement), the Administration decided that it wanted to transfer its interests (see proposed transfer agreement), if the video researchers would indemnify the university. As such, it would be claimed that the video was made independently of the university; the researchers agreed to this, only to facilitate the release of the video. Their continued assumption throughout this process was that the video was research, and that this was recognized by the university
- Instead, one should question why the Administration wants the video researchers to lie about the research origins of the video and its undeniable associations with the university? Especially since the Administration originally refused to relinquish its interest in the video and insisted on remaining part owner of the video documentary. This position only seemed to change when the Administration saw the (controversial?) contents of the video.

**The fourth and finally position:** this is not an issue of academic freedom at all. *"I don't think it this is a debate of academic freedom at all." Said Keselman. The administration of the university holds that the notion of academic freedom is "disingenuous" with this incident, reaffirming that the debate is the treatment of the intellectual property and not the content of the video."*

**The facts:** The video was completed and ready to be released almost three years ago, and a distributor had contacted the video researchers, and was eager to make the video available around the world. The video both reflects and communicates the outcomes of our larger research programme. The delays by the Administration have undeniably prevented the international release of the video. These delays were facilitated by outmoded language in the collective agreement, which gives the university 50% ownership of any video research. This is language that the union has been trying to change for many years, precisely because it gives the Administration complete control over video work of any sort. McLachlan has launched a grievance through the union (University of Manitoba Faculty Association or UMFA) and the struggle to release this video research is actively supported by the Canadian Association of University Teachers (CAUT), in part because of CAUT concerns regarding the increasing presence of corporations on campuses across the country. Jim Turk, Executive Director of CAUT, has likened this case to the other famous breach of academic freedom that occurred in Canada – that of Nancy Olivieri at the University of Toronto. Similar concerns have been reflected in the media, a media that the university indicates is biased, and the researchers have received letters of support from academics, farmers, and activists across the country. So is it a breach of academic freedom? You decide, and, once decided, please help "free the film"!