



August 1, 2014

President Ann Weaver Hart  
University of Arizona  
Administration Building, Room 712  
1401 East University Boulevard  
P.O. Box 210066  
Tucson, Arizona 85721

*Sent via U.S. Mail and Facsimile (520-621-5511)*

Dear President Hart:

The Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, academic freedom, due process, freedom of speech, and freedom of conscience on America's college campuses. Our website, [thefire.org](http://thefire.org), will give you a greater sense of our identity and activities.

FIRE is concerned by the University of Arizona's (UA's) abrupt termination of the employment of Professor Suzanne Sisley, who for the past four years has headed the effort to gain approval for a study assessing the effectiveness of medicinal marijuana in treating veterans suffering from post-traumatic stress disorder (PTSD). UA's explanation of its decision to terminate Sisley's employment fails to alleviate concerns that external pressures may have played a pivotal role in her case, raising serious concerns for academic freedom at UA.

The following is our understanding of the facts. Please inform us if you believe we are in error.

Since 2007, Suzanne Sisley has held several positions with UA. As of June 2014, she held simultaneous appointments as Clinical Assistant Professor in the UA School of Medicine's Department of Psychiatry ("Clinical Assistant Professor"); Coordinator, Special Projects, Research Administration ("Special Projects"); and Assistant Director of Interprofessional Training in the Arizona Telemedicine Program ("Telemedicine").

Since 2010, Sisley has also served as Principal Investigator for a prospective study on the potentially therapeutic effects of marijuana on veterans suffering from chronic PTSD, sponsored by the Multidisciplinary Association of Psychedelic Studies (MAPS). Sisley played a central role in designing and revising the study's protocol, which was approved by UA's Institutional Review Board in October 2012 and by the U.S. Department of Health and Human Services (HHS) on March 12, 2014. A Clinical Trial Agreement between MAPS and the Arizona Board of Regents (on UA's behalf) was signed on May 6, 2014. (Though HHS has approved the protocol and approved the purchase of marijuana plants from the National Institute on Drug Abuse, delays in procuring the plants have pushed the earliest possible start date for the study into 2015.)

Shortly following HHS' approval of the study's protocol, the Arizona House of Representatives approved HB 2133, a bill that would have allowed fees collected by the state from medical marijuana patients and dispensaries to partially subsidize the study, the total cost of which is estimated by MAPS at \$876,000. However, Arizona Senator Kimberly Yee blocked a hearing on this legislation, stating a preference for using the fees to educate the public on the alleged dangers of recreational marijuana use. In response, some supporters of HB 2133 mounted a short-lived, unsuccessful recall campaign against Senator Yee.

Sisley reports that in early April 2014, she was called by Senior Vice President for Health Sciences Joe Garcia and questioned about her political activities. Sisley states that Garcia's questioning was particularly focused on whether she had any involvement in the recall effort and whether she had any knowledge of a flyer supporting the recall that featured the UA logo. According to Sisley, Garcia informed her that Arizona Senate President Andy Biggs had called your office and made inquiries regarding Sisley's email and telephone records. Sisley replied to Garcia via email on April 4. While not denying being politically active in support of medicinal marijuana research, she stated, "I have never advocated for Kimberly Yee to be recalled and I would not endorse this concept publicly nor privately." She also wrote, "I AM VERY CAREFUL TO NEVER USE MY UNIVERSITY EMAIL FOR ANY CORRESPONDENCE RELATED TO MY POLITICAL ACTIVITIES" (Capitalization in original). Regarding the petition, she stated, "I certainly had nothing to do with that. I would actively discourage and admonish anyone who tried to link the University with this effort." Sisley further states that she has never to date seen a copy of the flyer.

Sisley received no response to her April 4 email. In a letter dated June 24, however, Garcia notified Sisley that her Telemedicine appointment "will not be renewed effective September 26, 2014." Then, in a letter dated June 27, College of Medicine Dean Stuart D. Flynn informed Sisley that her Special Projects appointment position would likewise not be renewed as of September 26. Finally, in a letter dated June 30, Psychiatry Department chair Ole J. Thienhaus notified Sisley that her Clinical Assistant Professor appointment would also not be renewed after September 29. Because Sisley has been effectively terminated from her positions at UA and external factors have delayed the start of the study until at least 2015, she will not be able to serve as Principal Investigator for the study if it is conducted at UA.

Per UA and Arizona Board of Regents policies, the non-renewals of Sisley's Special Projects and Telemedicine appointments were "final and not subject to further administrative review." (This precise wording appears in both nonrenewal letters, and the two letters are nearly identical, despite being authored by different administrators.) Sisley was permitted to appeal the nonrenewal of her Clinical Assistant Professor position, and attorneys for Sisley filed her appeal on July 15. On July 28, Senior Vice President for Academic Affairs and Provost Andrew C. Comrie denied Sisley's appeal.

UA has since proposed a new Principal Investigator for the study so that the university may continue as the study's host institution. MAPS has not accepted UA's offer, and is considering moving the study to either Northern Arizona University or Arizona State University.

FIRE takes no institutional position on the merits of the planned study or the efficacy of medicinal marijuana in treating PTSD or any other illness. As our 15 years defending the rights of university faculty make clear, our interest in this matter is in safeguarding professors' academic freedom. This defense is particularly necessary for scholars like Sisley who seek to explore areas of study susceptible to controversy and external political pressure. Though UA has denied that political pressure prompted its abrupt termination of Sisley's affiliation with the university, FIRE is concerned by Sisley's termination in light of UA's past scrutiny of Sisley's political activities and its demand that Sisley account for her alleged role in the recall efforts against Senator Yee.

Other UA faculty will undoubtedly note Sisley's termination and regard it as a warning about the possible consequence of their research, teaching, or their political activity as private citizens being perceived as a political liability to the university. Sadly, in FIRE's experience, public colleges and universities all too frequently buckle under pressure from state legislators seeking to prevent research—or suppress particular researchers—viewed as of step with their political agendas. In just the past year, FIRE has fought against threats by state legislatures against universities in Kansas, Tennessee, South Carolina, New York, and Wisconsin. In each of these cases, legislators threatened universities' public funding as a result of faculty speech or scholarship. Unfortunately, similar threats against UA from politicians disapproving of the university's role in medicinal marijuana research are all too conceivable.

We remind UA that faculty at public colleges and universities enjoy the right to engage in a wide variety of partisan political speech outside of the classroom. Absent any reasonable implication that the professor is speaking on behalf of his or her institution, professors taking part in such activities should be understood to be speaking as citizens on matters of public import, not as faculty members acting pursuant to their job-related duties. The presumption that a professor's political speech represents his or her own views, not the views of the university as a whole, may be overcome only in exceptional situations, such as when a professor claims that he or she is indeed speaking on behalf of the university. Unless a university can demonstrate that a professor's political expression threatens the proper

functioning of the university and that its interest in preventing such disruption outweighs the professor's interest in speaking, he or she enjoys the right to speak.

We also remind UA that faculty members at public colleges and universities have traditionally been accorded robust speech rights under the rubric of academic freedom. The Supreme Court stated many years ago that “[t]o impose any straight jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation,” because “[s]cholarship cannot flourish in an atmosphere of suspicion and distrust.” *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957). Therefore, the Court has held that academic freedom is a “special concern of the First Amendment” and that “[o]ur nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to teachers concerned.” *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967) (internal citations omitted). Given these powerful, unequivocal statements from our nation's highest court, we ask that UA reaffirm its commitment to academic freedom. Such commitment is especially important when the research of its faculty members subject to criticism from elected officials; academic freedom means little if it protects only “safe” or “accepted” scholarship.

We have reviewed the explanations UA has provided for its decision not to renew Sisley's various appointments, both in a July 9 letter to Sisley from Senior Vice President Garcia (sent following a July 3 meeting between Sisley and Human Resources official Cathy Nicholson) and Dean Flynn as well as Provost Comrie's July 28 response to Sisley's appeal. Garcia and Flynn noted in their July 9 letter that “the Telemedicine Program has made a strategic decision to focus on rural health profession outreach and education,” eliminating the need for her position. Regarding the termination of Sisley's Special Projects position, they wrote:

Lastly, your part-time role as Coordinator, Special Projects for the College of Medicine – Phoenix, has been dependent on the availability of external funding. This position has been funded by an interagency service contract with the Arizona Department of Health Services. The majority of the contract deliverables were to be completed by February 15, 2014, and the University expects the completion of this contract by mid-September. With its completion, your participation in this program no longer would be supported.

Comrie's July 28 appeal decision reiterated these arguments.

However, a July 29 statement from MAPS disputed UA's explanation for the nonrenewal of Sisley's Special Projects position:

Additionally, it is important to correct misinformation in the July 28 letter from the University of Arizona to Dr. Sisley. In the letter, the university reports that the Arizona Department of Health Services (ADHS) grant was slated for completion in September 2014. This is false. The fully funded

ADHS grant was projected to run at least two years starting January 2014/with [sic] The primary goal was to provide education about the various uses of medical marijuana to physicians statewide utilizing the educational tools created over the first six months of the grant. The University of Arizona's abrupt termination of the grant and of Dr. Sisley's position forced the cancellation of over 100 lectures to physicians across Arizona that had been scheduled through February 2015.

If MAPS is correct, then UA is forgoing substantial educational outreach opportunities to physicians across Arizona by ending Sisley's employment. If true, MAPS's contention seriously detracts from UA's credibility in explaining its decision to simultaneously terminate Sisley's three separate employment arrangements. This heightens concerns that Sisley's termination was a result of the fact that UA had come to regard her as a political liability.

MAPS's answer also prompts the question of why UA would replace Sisley as Principal Investigator now, after employing her for the last four years as she obtained the approval of the various university, state, and federal agencies with oversight of the study. UA's decision to terminate Sisley's employment could well result in the study's further delay; at worst, the study may not be completed at all. Despite Sisley's years of effort and MAPS's express support, UA is evidently not open to allowing Sisley to continue as Principal Investigator on this study. If, as a result, the study moves to another university and groundbreaking research is conducted under the auspices of a more welcoming administration, the loss will be all the greater for UA.

FIRE understands that there may be many considerations at issue in cases such as these. Nonetheless, FIRE finds UA's actions in this case to be highly suspect, and we believe its justifications for those actions strain credulity. As a result, academic freedom and freedom of expression will be chilled at UA. FIRE hopes that UA can correct its errors and allow the study to continue at UA with Suzanne Sisley as its Principal Investigator. At minimum, we hope that UA will issue a strong statement in support of academic freedom in the hopes of regaining some of the confidence in its leadership that has been lost in this unfortunate and wholly avoidable case.

We respectfully request a response to this letter by August 22, 2014.

Sincerely,



Peter Bonilla

Director, Individual Rights Defense Program

cc:

Joe G. N. "Skip" Garcia, Senior Vice President for Health Sciences

Stuart D. Flynn, Dean, University of Arizona College of Medicine – Phoenix

Andrew C. Comrie, Senior Vice President for Academic Affairs and Provost  
Caroline M. Garcia, Associate Vice President for Research  
Eileen I. Klein, President, Arizona Board of Regents  
Mark Killian, Chair, Arizona Board of Regents  
Jay Heiler, Vice Chair, Arizona Board of Regents  
Greg Patterson, Secretary, Arizona Board of Regents