

The University of Manitoba, Monsanto, and the Battle for Academic Freedom

Background to the controversy surrounding the Seeds of Change film

Seeds of Change examines the controversy surrounding the use of genetically modified (GM) crops across the Canadian prairies. A publicly funded project, and part of a larger, 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.

But unfortunately, *Seeds of Change* was not publicly released until over three years after University of Manitoba (U of M) PhD candidate Ian Mauro, U of M professor Stéphane McLachlan, and independent videographer Jim Sanders completed it, in the fall of 2002.

Over the course of the long delay, spreading news of the film's existence garnered considerable interest from farmers, researchers, and policy makers from around the world, including those from Australia, the EU, and the US. Why did it take so long for the completed film to be made available to the public?

The public release of *Seeds of Change* was delayed until November 2005 because of the efforts of the U of M administration to hide the film from a popular audience. The administration actively prevented the release of the film through the use of outdated bylaws that gave them 50% control over the *Seeds of Change* footage.

Why would the U of M administration do this? Their exact motives are not known. Informative and highly accessible, *Seeds of Change* is also balanced in the sense that it presents both pros and cons surrounding the GM crop technology, providing a "radical centre" perspective in a debate that is fuelled by extreme positions.

Even Alan Simms, Associate Vice President (Internal) of the U of M has stated, "I've seen [the film] and I think it's fair. It's not a biased kind of thing."

However, it is especially important to note that the video is explicitly critical of crop genetic modification technology as a whole, and of biotech giant Monsanto. Moreover, it features the experiences and knowledge of farmers who have little influence and privilege compared to those of multinational corporations.

It also bears mention that Monsanto has a long and intimate relationship with the University of Manitoba. Indeed, at the same time that the U of M administration was battling with the researcher-filmmakers of *Seeds of Change* over the film's release, university administrators were secretly negotiating with Monsanto to have the company's Canadian head office established in the university's "SmartPark" complex.

The U of M administration has tried to justify its attempts to prevent the film from being shown publicly. However, their statements in this regard are easy to refute, as can be seen below (see "Point, Counterpoint" on this page).

After three years of frustrating negotiations that simply served to put the film and the filmmakers at increasing risk, Mauro, McLachlan and Sanders finally broke off talks with the U of M administration, following independent legal advice. They then embarked on a public campaign to expose what they had concluded was a deliberate strategy of suppression by the U of M Administration.

Significantly, the filmmakers mounted the campaign with explicit support from the Canadian National Farmers Union and the Canadian Association of University Teachers (CAUT). Indeed, CAUT has indicated that the suppression of *Seeds of Change* is one of the most significant academic freedom cases in Canada. Both of these organizations, as well as Friends of the Earth Canada and the Canadian Federation of Students played an instrumental role in forcing the hand of the U of M.

Point, Counterpoint

Below are quotes that express the four central positions that the U of M administration has taken in the media when questioned about allegations of suppression of the *Seeds of Change* film, and the responses of the filmmakers to these positions.

The first position of the U of M administration: The administration questions whether the video researchers have obtained adequate releases and is ostensibly concerned about the well-being of the farmers that participated in the video. According to John Danakas, U of M Public Relations Officer, *"Our primary concern has been with the 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, U of M 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 their own lawyers helped draft the releases, along with lawyers from a distributor who was to make the film available around the world, and along with the researchers' university-appointed independent legal council. The administration claims that they do not have these releases in their possession. This at best reflects that the U of M administration has lost track of these documents or, at worst, is an indication that they are lying to the media to create some doubt about the integrity of the video researchers. You get to choose.

The second position of the U of M administration: The administration claims that it has not impeded the public release of *Seeds of Change*. Keselman has suggested that there were only two conditions that had to be fulfilled before the administration would agree to releasing it for non-commercial use. The only conditions, according to Keselman, were: a disclaimer that the opinions expressed in the film were not representative of the university in any way; and expressly written permission to use the raw footage from all the farmers interviewed in the project. Keselman also said that the video could be shown publicly at any time, with the Dean's permission.

The facts: The last time the video researchers formally met with administration (November 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 would be necessary if they were to release the film. There were six conditions. The following lists the first five conditions:

- 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 U of M 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. What of the role of the Dean? It was a premature consideration anyway, since the conditions for release had yet to be worked out. However, it would have been highly irregular from an academic standpoint that a Dean would be able to control how (or whether) research were released.

The third position of the U of M administration: The sixth and final condition demanded by the U of M administration of the researchers in return for allowing release of the film implicitly contradicted all the other conditions. The proposed condition was that the video researchers deny that their film had anything to do with their research program, or indeed the university. The following is a direct quote from the November 5 document where it proposed that the video researchers agree to pretend "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. In the media Keselman insisted that the documentary was created independently of the university and that "*we [the administration] have no interest in the documentary*".

The facts: The video is at once part of and reflects the larger research program, 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 were approved and thereby made possible the GM crop research that informed *Seeds of Change*. The film-as-research-outcome was 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". The Agriculture and Agri-Food Canada proposal, however, more explicitly indicated as a research outcome a "30-minute video documentary to be used for educational purposes" and later stated, "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 analyze 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 been 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 U of M 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 researchers' 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 August of 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 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 U of M administration it is communicated implicitly and explicitly that the video is both part of and reflects the larger research program on GM crops.

To now deny the long-term research relationship that existed between the U of M administration and the video researchers throughout the making of *Seeds of Change* is simply legal fiction. Any statements contradicting this reflect an administration-initiated strategy to divest itself of risk associated with the video.

Moreover, 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 it. This position only seemed to change when the administration saw the (controversial?) contents of the video.

In early 2003, after nine months of refusing to relinquish ownership of the video, the Administration decided that it wanted to transfer its interests 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.

The fourth and final position of the U of M administration: The U of M administration denies that the hold-up of the *Seeds of Change* release is not an issue of academic freedom at all. *"I don't think this is a debate of academic freedom at all,"* said Keselman. The administration of the university holds that the allegation that academic freedom has been undermined in their treatment of *Seeds of Change* is *"disingenuous"*.

The facts: The video was completed and ready to be released in the fall of 2002, and a distributor had contacted the video researchers, eager to make the video available around the world. Delays by the administration undeniably stalled the international release of the video for years. 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 U of M faculty union, UMFA.

The struggle to release the video research findings contained in *Seeds of Change* was 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 another 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 to their disadvantage, 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.