

This is ACURM's report on the petitions submitted by Scholars at Brown for Climate Action (SBCA), November 4th , 2021; revised and augmented January 26th , 2022; and 'concept note' added February 4th , 2022. This report was prepared by all members of the 2022-2023 committee.

Executive Summary

In response to the SBCA's revised proposal of 1/26 and the additional concept note of 2/4, ACURM makes the following recommendations:

1. Amend the Business Ethics Policy to indicate Brown's refusal to do business with organizations that knowingly undermine science or science-based policy, or support organizations that advance climate science disinformation.
2. Maintain the existing Gift Acceptance Policy, which implicitly requires the same ethical standard of engagement as the newly amended Business Ethics Policy.
3. Move forward with the creation of a clearinghouse for actions against organizations and funders that seek to deny climate change, or delay climate change with the intention of a) perpetuating climate science disinformation or b) supporting organizations that advance climate science disinformation.

The full report follows.

ACURM received an initial proposal from Scholars at Brown for Climate Action (SBCA) on November 4th and a revised, more expansive version on January 26th. The original proposal suggested the following actions:

1. Set minimum standards for the University's relationship with donors, funders, contractors, and suppliers by "refusing to do business with organizations that knowingly promote science disinformation."
2. Amend the Business Ethics Policy to reflect those minimum standards by adding the following passage:

"...avoid[ing] supporting organizations that knowingly undermine science or science-based policy, nor support organizations which advance disinformation, including directly and indirectly funding or receiving such support."

The January 26th updated proposal contained the above suggested action and in addition proposed the following:

1. Clarification of Brown's gift policy to prevent association with science disinformation actors.
2. The creation by Brown of a clearinghouse for science disinformation that focuses on producing lists of non-compliant organizations and funders with the aim of terminating contractual links between Brown and such organizations.

The February 4th 'concept note' added detail to the January 26th clearinghouse proposal.

1. Brown, or a consortium led by Brown partnering with an independent auditing firm, would act as a clearinghouse for actions against organizations and funders that sought to either deny climate change or delay action on climate change. This clearinghouse would operate along the following lines:
 - Stage 1: Collect a list of all known climate denial organizations
 - Stage 2: Examine and code web pages and documents of these organizations
 - Stage 3: Investigate funding for these organizations
 - Stage 4: Develop a system to flag activities of organizations and donors as "Red" or "Yellow"

The Advisory Committee on University Resources Management (ACURM) is an advisory body to the President of the University. ACURM is responsible for reviewing whether the investment and expenditure of the University's financial resources is conducted with ethical and moral standards consistent with the University's mission and values.

Brown has an obligation to prudently manage its business and investments operations to support and sustain the University's mission of teaching and research in the service of society, within a community devoted to

academic freedom and respect for human dignity. Issues of social responsibility should inform investment, spending and fundraising decisions.

ACURM is responsible for considering issues related to social harm with respect to (1) the Brown endowment; **(2) business practices and policies**, (3) labor issues, including fair labor standards, in the manufacture of products licensed by the University and bearing the University's name and/or logo; **(4) gift acceptance and naming policies**; and **(5) other matters related to the investment and expenditure of University financial resources**. ACURM advises the President, to whom it may make recommendations relating to matters properly within its charge and consistent with the general guidelines for operations below and will regularly report on its activities to the University community.

General Guidelines for Operations

1. Social harm is defined for the purposes of ACURM as the harmful impact that the investment or expenditure of University financial resources may have on the University community, consumers, employees, or other persons, or on the **human or natural environment**.

Policies Relevant to the November 4th SBCA Petition:

Purchasing Standards, Environmental Awareness <https://policy.brown.edu/policy/environmental>

Brown University urges departments/schools to consider the use of products and services that impact the environment less than competing products. Consideration should be given to factors such as:

- **Energy Efficiency.** Purchase equipment that is Energy Star-rated (or, if there is no Energy Star rating, equipment that is highly energy efficient). Energy Star is a program helping businesses and individuals protect the environment through superior energy efficiency.
- **Shipping Materials.** Purchase products that are shipped in containers that are returnable or reusable and made from recycled content (i.e., cardboard boxes). Also request bulk packaging when multiple items are ordered for delivery at the same time.
- **Recycled Content.** Purchase products made with recycled content suitable for the intended use. Look for a high percentage of post-consumer content. 'Post-Consumer' is material that has served its intended purpose and has been discarded for disposal or recovery by a business or consumer. Other recycled content includes post-industrial wastes which are by-products of a manufacturing process that would normally not be reused in the process.
- **Other.** Environmental performance of the supplier and/or producer should also be considered, such as waste prevention, waste reduction, pollution prevention, clean air and water programs, re-use of materials, minimization of scrap material, and any other green factory initiatives, etc. The University strongly desires to minimize the amount of waste sent to landfills. Both the product purchased and the packaging materials associated with it should be minimized to prevent waste as much as possible.

Strategic Purchasing, Contracts & Insurance is committed to supporting the University's sustainability goals and the work of the Sustainability Strategic Planning Advisory Committee (SSPAC), which seeks to decrease the University's environmental impacts.

Business Ethics Policy <https://www.brown.edu/about/administration/purchasing/about/procurement-standards/business-ethics>

Policies Relevant to the January 26th revision of the November 4th SBCA proposal:

Gift Acceptance Policy (3.1) <https://policy.brown.edu/policy/gift-acceptance>

Gifts are accepted when they are found to contribute to the approved purposes of the University, in accordance with the following principles:

- A gift will not be accepted if it is clear to the University that the funds or property donated were acquired by other than legal means, or that clear title to the donated asset does not flow directly from the donor to the University.
- A gift will not be accepted if, in the judgment of the Corporation, the gift is too restrictive in purpose, requires expenditures beyond the University's resources, or compromises the academic freedom of the university community
- A gift will not be accepted if, in the judgment of the Corporation, the gift is not aligned with Brown's mission of education, research and scholarship.
- A gift will not be accepted if, in the judgment of the Corporation, the intended purpose of the gift and/or being associated with the donor of the gift could inflict lasting damage on the University's reputation, standing or integrity.
- At the request of a donor, the University may treat a gift as anonymous. However, a gift will not be treated as anonymous with the purpose of shielding the University from damage to its reputation or disguising a gift which it would otherwise not have accepted.
- The acceptance of a gift does not imply nor mean that the University endorses or approves of the donor's views, opinions, businesses, or activities.

Committee’s assessment of the November 4th proposal:

ACURM committee members are unanimous in our support for the intent of the original proposal. We believe that amending the Business Ethics Policy, as per the original proposal, by adding the aforementioned passage, is consistent with Brown’s mission.

However, we offer the following qualifications:

1. Both versions of the proposal mention direct and indirect funding. In a world where all transactions are transparent, this would work. We advise the University to focus on direct forms of funding or support until there is a reputable forensic accounting service available that focuses on philanthropy that would allow such perspicacity.
2. When conducting due diligence for this case, the committee learned that the University has 12,000 active vendors (and many thousands more over the years). According to John Luipold and Jeanne Hebert, there is robust due diligence when Brown is considering engaging a new vendor and that potential contract is of a certain substantial size. However, the Strategic Purchasing, Contracts & Insurance office is not presently equipped to do ongoing monitoring of vendors beyond what the Visual Compliance tool provides, namely US Office of Foreign Assets Control (OFAC) sanctions screening, for non-service-related matters.
3. There is currently not a known third-party service that would be able to monitor for science disinformation that performs surveillance objectively, rather than subjectively, as Visual Compliance (or other bribery and sanctions monitoring tools) do. For the avoidance of doubt, Visual Compliance does not apply a subjective lens to its monitoring; it alerts when companies appear on sanctions lists issued by governments or supranational organizations, are sanctioned, or fined by governments or agencies, and/or have adverse media published (e.g., a newspaper article covering an investigation, querying a company’s practices, or detailing a CEO’s bad behavior). An alert does not inherently prohibit a business relationship with that vendor; it is up to Brown and the Visual Compliance user to decide whether an alert rises to the level of not pursuing or terminating an existing relationship.

Committee’s assessment of the January 26th revised proposal:

ACURM members are unanimous in our support for the revised proposal. We believe that the current Gift Acceptance Policy adequately addresses the SBCA’s concerns.

We offer the following clarifications and caveats:

1. The revised proposal suggests setting minimum standards for the University’s relationship with funders/donors. We acknowledge the University’s commitment to this standard as indicated in the Gift Acceptance Policy. One could argue that fighting climate science denial is not explicitly stated in the mission; we believe it is implied. If any member of the Brown community wishes to launch

a petition regarding Brown's Gift Acceptance Policy with specific concerns raised or parties mentioned, they are free to do so.

2. We also believe it is important to mention here the value of not limiting individual faculty members in their pursuit of funding. The issue at hand is institutional funding/ philanthropy. Academic freedom must remain in place. If the proposed 'lists' are constructed in such a way that individual academics are effectively banned from soliciting funding from organizations only tangentially related to climate denial, then academic freedom is being limited.
3. The proposed change includes concepts with potentially contested meanings: the meaning of 'climate science'; the evolving nature of scientific findings; the scope of complicity within an organization. We recommend coming to consensus on how these concepts are defined and how they can be applied in equitable ways. (In the case of climate science, the International Panel on Climate Change might be a good place to start.)

Committee's assessment of the 'concept note' of February 4th:

SBCA's final suggestion is the creation of a clearinghouse that monitors how science disinformation organizations disburse funding throughout academe. ACURM sees the value in creating such an entity, so long as its activities were carefully calibrated to focus on clear denialist institutions, recognizing fully that this would be a long-term goal as it would require significant institutional resources to develop and a full-time staff to maintain. Additionally, any effort to create such an entity should involve community members representing a broad spectrum of interests.

ACURM is tasked with balancing what is desirable for the University with what may be feasible. We acknowledge that embracing the concept is the easy part. While we recognize the current lack of institutional capacity for what the SBCA proposes, we also believe it is consistent with the University mission and values to move forward with what has been suggested. ACURM proposes flexibility and tenacity on this matter. Brown has committed, concerned researchers willing to work on creating a solution in the absence of one that might already exist. We encourage the University to put resources, along with additional community members, into developing a long-term solution that allows us to identify and distance ourselves from bad actors, while also protecting the faculty's right to academic freedom. What follows is an appendix of items that need to be discussed in the process of determining how to proceed.

APPENDIX OF OUTSTANDING ISSUES (boundaries, definitions, scope...)

Defining terms

A concern raised by the committee is the ‘related entities’ issue. If Brown deals with another university, and one part of that university is known to have taken money from a climate denying source, is Brown under an obligation to cease doing business with that entire university? For example: <https://www.thecrimson.com/article/2018/2/27/koch-hks-donations/>

Even with a clear definition of “organization”, as noted above there is not a known third-party service that would allow for ongoing screening of vendors for science disinformation. The Strategic Purchasing, Contracts & Insurance office would need to rely on individual reports from the Brown community and others to consider whether a contract with an organization would need to be terminated to comply with the proposal.

The question of political impartiality

As a 501c(3) non-profit Brown is explicitly prohibited from engaging in political activity. See: <https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations>

Although this is usually taken to mean that non-profits cannot make campaign contributions, we should be mindful of the risk to the non-profit status of the university if we decide that certain foundations are off limits. If we ban, for example, funding from foundation X on the ground that it criticizes existing climate science, and that fund is a known conservative fund, does the university open itself up to charges of bias, thereby running afoul of the IRS rule or damaging its reputation in other ways? Similarly, if we decide to ban science deniers, and if their funders are all on the political right, would we need to ban funding from non-right foundations to remain ‘impartial?’ That could seriously impact the ability of Brown researchers to conduct their work. The input of the General Counsel’s office on this matter will be critical in moving forward.

More generally, while we recognize that most climate science deniers would likely self-identify as conservative, we do not believe that the converse is necessarily true, that most conservative individuals/organizations would self-identify as climate science deniers. We believe it is within Brown’s mission to encourage active and rigorous discussion of political differences, but caution that we should not equate conservatism with climate science denial. Our intent is to identify the latter, without the political identity of the parties involved to be the determining factor.

The Question of Knowledge and Scientific Facts

A deeper epistemological problem that troubles the committee is that science never stops. It changes its truths over time. And while it is extremely unlikely that the overwhelming consensus on climate change will be reversed, there are issues on the border that are difficult to adjudicate. This is especially germane if

the focus moves from climate denial (denial that it is occurring) to issues of climate ‘delay’ - whereby the offense is to advocate for policies that lengthen our dependence on fossil fuels.

For example, Carbon Capture and Storage technologies are seen by many environmental scholars as a fillip to the carbon sector that will lengthen the transition and subsidize polluters: <https://senate.ucsd.edu/media/206094/carbon-capture.pdf>

Yet at the same time it forms a centerpiece of the Biden Climate proposals: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/fact-sheet-president-biden-sets-2030-greenhouse-gas-pollution-reduction-target-aimed-at-creating-good-paying-union-jobs-and-securing-u-s-leadership-on-clean-energy-technologies/>

It also forms the part of some state’s hydrogen strategies, as a way to keep fossil dependent local economies going during the transition: <https://www.insideenergyandenvironment.com/2021/11/the-scottish-governments-draft-hydrogen-action-plan/>

The point of this example is to highlight that even in climate science there is legitimate debate about what constitutes positive engagement with the problem and what constitutes delaying tactics and disinformation. The question for Brown is who would make such determinations? On what basis? If one scholar’s delay is another scholar’s mitigation, who is to make that call?

When have offenders offended? Will we know it when we see it?

In other words, what is the threshold for action? If the Gates Foundation is on the list of offenders, as is the case in the research paper provided by SBCA, does that make sense? Gates and Exxon should not be on the same list. We would need to decide what to do with an organization that is tangentially related to science denial. This speaks to the ‘related entities’ issue raised above. Perhaps Gates is on the list by virtue of being a common funder of a project not related to science denial with a foundation that is culpable? Either way, a distinction has to be made between core offenders and tangentially related entities.

A possible danger is that if we do not make such a distinction, we run the risk of operating with a very low threshold for science denial that would effectively outlaw Brown dealing with any conservative foundation, or think tank, or organization. Or in the extreme, the US federal government and the countries of Denmark and Scotland. That risks making Brown the target of a significant conservative backlash with obvious reputational effects.