

California State Auditor

B U R E A U O F S T A T E A U D I T S

California State University, Northridge:

*Absent University Standards and Other
Guidance, the World Pornography
Conference Was Allowable Under the Basic
Tenets of Academic Freedom and Free Speech*



November 1999
99122

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CALIFORNIA STATE AUDITOR

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November 9, 1999

99122

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the staging of the World Pornography Conference (conference) by the Center for Sex Research (center), a part of California State University, Northridge (CSU Northridge).

This report concludes that, despite controversies about the issue of pornography, the evidence we reviewed and the absence of clear standards for staging academic conferences and for judging their academic sufficiency do not allow us to determine that this conference lacked academic merit. CSU Northridge, the California State University system, and many major research universities in the United States have no pertinent standards to guide the staging of academic conferences, affect their content or direction, or influence the expression of the views conveyed. Many universities believe that such standards may abridge the principles of free speech, freedom of association, and academic freedom.

Also, many criticisms about the conference are not sustainable. Regarding the criticism that the conference failed to include opposing views, scholars agree that balance is not required at any one conference; those with differing views may hold, and indeed have held, their own academic conferences. Further, the support services provided to the center were neither extensive nor unprecedented. CSU Northridge provided no state funds for the conference while the center availed itself to the publicity and press-related services the university offers to all campus centers.

Finally, because some scholars would consider the conference to be at least partially research oriented, we believe that CSU Northridge would have been better able to respond to the controversy surrounding the conference had it applied procedures that many other universities have in place to investigate allegations of research misconduct.

Respectfully submitted,

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SUMMARY

Audit Highlights . . .

Our review of the World Pornography Conference disclosed:

- Since no clear standards exist to guide the staging of this conference by the Center for Sex Research, the tenets of academic freedom and rights of free speech and assembly support the center's activities.*
 - As a self-supported event, not subject to CSU Northridge oversight, most criticisms are not sustained.*
 - CSU Northridge may have been better able to respond to conference controversies had it established procedures for investigating allegations of research misconduct.*
-

RESULTS IN BRIEF

In August 1998, the Center for Sex Research (center), part of California State University, Northridge (CSU Northridge), held a four-day symposium entitled “World Pornography Conference: Eroticism and the First Amendment” (conference) at a hotel near Los Angeles. Some critics challenged the conference’s academic underpinnings, while others characterized it as merely a “trade show for pornographers.” Despite the controversial nature of the conference’s subject matter, we found no clear standards for staging such conferences or for judging their academic sufficiency. Therefore, we cannot conclude that the conference lacked academic merit.

No clear standards exist that would have guided the staging of this conference, affected its content or direction, or influenced the expression of the views conveyed. Neither CSU Northridge nor the California State University (CSU) system has pertinent guidance. In general, the tenet of academic freedom—the freedom of teachers to teach and learners to learn without unreasonable restraint—would seem to support the center’s right to hold a conference on pornography as long as teaching or learning occurred. Moreover, universities generally believe that setting standards for the content and nature of a conference may violate faculty members’ constitutional rights to free assembly and free speech.

According to its critics, the conference failed to include opposing viewpoints and inappropriately used state support. The conference did have a decidedly pro-pornography disposition. A trade group that represents the pornography industry co-hosted it. However, according to scholars with whom we talked, balance is not required at any one conference. Academic freedom provides the arena in which scholars can state their varying ideas, so the presentation of opposing or multiple viewpoints at a single academic event is not necessary. Those with differing views are free to hold their own academic conferences or use other means to make their views known.

Regarding the second criticism, we found no evidence that CSU Northridge gave the center any state funds for the conference; attendance fees more than covered the conference's costs and the conference was held off-campus. The center did use some of the services that CSU Northridge extends to all 58 approved centers on campus, including publicity for upcoming events, but the support services provided by CSU Northridge were neither extensive nor unprecedented.

Finally, because some scholars would say the conference was partly research-oriented, we believe that CSU Northridge could have better stemmed the tide of controversy if it had a process to investigate allegations of misconduct in research. Research misconduct includes fabrication, falsification, plagiarism, deception, or other practices that seriously deviate from those commonly accepted within the scientific community for proposing, conducting, or reporting research. Procedures for pursuing allegations of research misconduct provide the nation's top public research universities, including the University of California, a vehicle for investigating and reporting allegations of improper research activities by their faculty, staff, or students. The CSU system has not required its component universities to establish procedures to address such allegations, and CSU Northridge has not adopted them on its own.

RECOMMENDATION

The CSU system should ensure that its universities set up procedures for responding to allegations of research misconduct so they can better respond to controversies associated with potential research improprieties.

AGENCY COMMENTS

The chancellor's office concurs with our recommendation and indicates a policy addressing it will be ready early next year. ■

INTRODUCTION

BACKGROUND

Pornography is defined as the depiction of erotic behavior intended to cause sexual excitement. Although legal in many forms, pornography is certainly controversial. Opponents believe pornography is immoral, and they cite studies claiming it promotes violence and harms women and children. Others argue that pornography is allowable under the free speech provisions of the U.S. Constitution's First Amendment. They cite studies showing there is insufficient evidence to support the ill effects often attributed to pornography.

Many members of academia consider the study of human sexuality to be a legitimate and meaningful endeavor. In fact, many well-known and respected universities offer courses and, in some cases, degree programs on human sexuality. Involving more than the physical act of sex, this field of study explores the influences of sexuality on our personal, social, economic, and political lives. Pornography often is discussed in human sexuality classes; moreover, scholars of human sexuality study pornography as a phenomenon worthy of academic attention because it affects individual lives and society in general.

ACADEMIC CENTERS

The Center for Sex Research (center) at California State University, Northridge (CSU Northridge) is one academic entity that studies sex. To complement its formal teaching responsibility, CSU Northridge authorizes faculty members or administrators to create and operate centers that facilitate, among other things, educational outreach to individuals and groups and scholarly projects for professional or personal enrichment. CSU Northridge has 58 approved centers, including the Center for Ethics and Values, Center for Telecommunications Studies, Center for Productivity Improvement and Research, Center for Educational Psychology, Center for Sportsmedicine, and Center for Earthquake Studies.

The California State University (CSU) is a system of 23 separate campuses throughout the State. A governing board of trustees administers this system and appoints a chancellor as the system's chief executive officer. The board of trustees, the chancellor, and the campus presidents develop system-wide policies for implementation at the campus level.

CSU Northridge is the fourth largest university in the CSU system. The main campus is in the city of Northridge, about 25 miles northwest of Los Angeles. The university has about 27,000 students and nearly 1,500 faculty members.

To create a center, a faculty member or administrator must develop a charter that describes, among other things, the center's purpose, its organizational structure, how it will handle funds it receives, and the resources—space, personnel, and funding—necessary to operate it. CSU Northridge specifies that a center's charter cannot exist beyond June 30 of the fifth year after its creation. However, a center may renew its charter for an additional five years before the expiration date and may continue renewing it every five years thereafter.

At minimum, a proposed center must be approved by CSU Northridge's president, its vice president for academic affairs, the provost's council, and the deans of any colleges and the chairs of any departments to be affiliated with it. Once approved, centers may enlist the university's help with advertising upcoming events, post pages on CSU Northridge's Web site, and use CSU Northridge letterhead stationery for written communications.

THE CENTER FOR SEX RESEARCH

The center originally was chartered during the mid-1970s. It is part of the College of Social and Behavioral Sciences at CSU Northridge. According to its charter, the center exists to "draw together the . . . expertise of the faculty . . . as well as other experts in the field of human sexuality . . . and to facilitate the professional growth of faculty and students as well as enhance the university's services to the community . . ." The charter also states that the center's work will include support and coordination of research and publication; special courses, seminars, and lectures; meetings and workshops; the compiling of data and bibliographies; and other such activities appropriate to the center's purpose.

Led by its director, the center has 31 members, including 22 CSU Northridge faculty members from academic disciplines such as history, religious studies, sociology, psychology, and philosophy; 2 faculty members from other California universities; and 2 faculty members from universities outside California. Non-faculty members include two librarians from CSU Northridge, a sex therapist from the university's counseling center, a psychologist, and an anthropologist.

In recent years, besides holding numerous seminars and sponsoring research, the center has held conferences on sexually related issues. The conferences include the First International Congress on Gender, Cross-Dressing, and Sex Issues (1995); the International Conference on Prostitution (1997); Crosstalk: Asian and Pacific American Sensuality and Sexuality (1997); and the World Pornography Conference: Eroticism and the First Amendment (1998). According to the center's director and campus officials, all these conferences were self-funded and occurred off-campus. A proposed 1999 conference entitled "Queer Activisms for a New Millennium: Lesbian, Bisexual, Gay, and Transgender Politics in California," was dropped because the CSU Northridge provost, after the World Pornography Conference, instructed the center's director and the dean of the College of Social and Behavioral Sciences not to plan any conferences for 1999. The provost also directed that future conferences be on campus and be hosted independently, without sponsorship by trade groups.

CONTROVERSY PRECIPITATED SEVERAL REVIEWS

Our audit is not the only review sparked by the controversy surrounding the center's staging of the World Pornography Conference. CSU Northridge and the CSU system have initiated reviews of campus centers in general. In light of the concerns raised, the CSU Northridge provost started a review of the university's guidelines on centers during fall 1998. This review will re-examine all the centers' charters to ensure compliance with those guidelines, especially those defining the deans' oversight responsibility. The university's associate vice president for Graduate Studies, Research, and International Programs expects the review's results to be available during the fall 1999 semester.

In conjunction with this review, the university placed a moratorium on approving charters for new centers. After the Legislature approved the Bureau of State Audits' review, the university extended the moratorium to include renewing existing centers' charters. Because of a misunderstanding involving this moratorium, the center's director stated that the Center for Sex Research did not renew its charter, which expired on June 30, 1998.

Furthermore, shortly after the Legislature commissioned our audit of the center and the World Pornography Conference, the CSU received inquiries about the existence of other centers and institutes throughout the CSU system and whether there are campus and system policies addressing the establishment of such entities. To “provide informed responses to legislative and media inquiries,” the CSU system’s chief academic officer and vice chancellor for its Division of Academic Affairs requested that campus presidents provide the CSU with general background information (such as name, purpose, and funding sources) concerning all campus centers and summarize campus procedures for establishing and monitoring the centers. The campuses provided information on nearly 600 centers within the CSU system.

OTHER UNIVERSITIES HAVE PROCEDURES FOR INVESTIGATING RESEARCH MISCONDUCT ALLEGATIONS

The University of California, a few CSU campuses, and other American universities have procedures for handling allegations of research misconduct. Specific procedures vary, but usually an allegation of misconduct is subject to an initial inquiry to determine whether it has merit. An initial inquiry into alleged misconduct by faculty members usually is performed or led by a member of the university’s administrative staff, such as the dean of the college or the administrator overseeing university research. If the initial review determines that an allegation has merit, it is referred to a faculty review committee, which initiates a formal investigation. A faculty group is considered better suited to investigate a misconduct allegation because faculty members are more aware of current research practices and are in better positions than others to judge research methods and findings.

If the investigation finds misconduct, the investigating body may recommend sanctions to the dean of the school or the administrator overseeing university research. Additionally, if the investigation reveals any weaknesses in the university’s policies governing research, the investigating body may recommend changes to those policies to the appropriate university administrator or to the faculty senate to avert possible future misconduct.

SCOPE AND METHODOLOGY

Based on concerns about the World Pornography Conference, the Joint Legislative Audit Committee asked the Bureau of State Audits to review the activities of the Center for Sex Research.

To determine the center's activities, we interviewed its director and some of its members. We also reviewed the center's charter, its Web site, and biographical information on its current director and a former director. We reviewed documents that were available, such as accounting records associated with the World Pornography Conference and the 1997 conference on prostitution. The center retained no documentation for the other conferences.

To identify the standards for staging academic conferences, we interviewed officials and faculty of CSU Northridge. After discovering that the university had no such applicable guidelines, we interviewed officials of the CSU system, which also had no relevant standards. Additional conversations with staff or officials at 10 universities, including several major U.S. public research universities, also failed to disclose pertinent standards.

Because many people we interviewed stated that the principle of academic freedom applies to the staging of academic conferences, we researched the history and purpose of academic freedom and interviewed advocates of the principle. Although we found no authoritative definition of academic freedom, based on our research, we define it as the freedom of teachers to teach and learners to learn without unreasonable restraint. Activities subject to restraint include controversial matter with no obvious relationship to a scholar's subject.

The American Association of University Professors (AAUP) and the National Association of Scholars (NAS) attempt to preserve academic freedom. The AAUP, which was founded in 1915, has about 44,000 members, and, among other things, defends academic freedom and tenure and advocates collegial governance. The AAUP, with the Association of American Colleges, issued the *1940 Statement of Principles on Academic Freedom and Tenure With 1970 Interpretive Comments*. This document's purpose was to promote public understanding and support of academic freedom and tenure, and to promote agreement upon procedures that ensure them in colleges and universities.

Many universities view academic freedom as a fundamental principle of the scholastic profession.

The NAS was founded in 1987 and is a much smaller organization, with about 4,500 members. It seeks to preserve academic freedom and the free exchange of ideas on and off-campus, and to maintain rigorous standards in research, teaching, and academic self-governance.

To identify the nature and content of the conference, we interviewed the conference's organizers, including the center's director and the executive director of the conference's co-host, the Free Speech Coalition. We also interviewed those who expressed concerns about the conference. These people included representatives from various family values and women's rights organizations. Moreover, we reviewed available documentation, such as the conference program, abstracts describing the proposed nature of conference panels, a proof copy of a soon-to-be-published book comprising many of the papers presented at the conference, and media articles describing the conference.

According to its director, the center did not create attendance records or other lists for the conference or for the individual panel sessions. Therefore, we were unable to verify the actual number or background of conference participants. However, using available accounting records, we were able to arrive at an estimate of paid attendees. Also, because limited documentation was available concerning prior conferences held by the center, our conclusions about the earlier conferences are based on interviews with the center's director and university staff. ■

AUDIT RESULTS

There Was Little to Limit the World Pornography Conference in Either University Standards or the Principle of Academic Freedom

BACKGROUND

From August 6 through 9, 1998, the Center for Sex Research (center), a component of the College of Social and Behavioral Sciences at California State University, Northridge (CSU Northridge), co-hosted a symposium entitled “World Pornography Conference: Eroticism and the First Amendment” (conference) with the Free Speech Coalition at a hotel near Los Angeles. The Free Speech Coalition is a trade group representing the pornography industry. The stated purposes of the conference were to:

- Gain insight into the major concerns about pornography from a legal and scientific perspective.
- Explore the issues surrounding pornography and the free speech clause of the U.S. Constitution’s First Amendment.
- Bring together attorneys, scholars, and members of the pornography industry to establish working relationships, associations, and insights that will generate future research, writing, and other projects.

The conference was limited to those over the age of 18. Accounting records indicate that about 270 people paid to attend the conference.

Controversy surrounded the conference from the beginning. Angry demonstrators protested that pornography harms women and children, and a state university should not support it. Some media coverage was also highly negative; one critic lambasted the conference as “a carnival of porn stars.” The repercussions included calls from legislators to the university and to the California State University (CSU) chancellor’s office.

Some criticism focused on the center’s decision to co-host the conference with the Free Speech Coalition. According to the director, the center co-hosted the conference with the

Free Speech Coalition because this organization has a direct association with pornography industry representatives and could get them to participate in the conference. As a result of the controversy, the CSU Northridge provost instructed the center not to co-sponsor future conferences with trade groups.

Controversy surrounded the conference from the beginning.

The conference consisted primarily of 55 panel discussions lasting 60 to 90 minutes. At any one time, attendees could choose from several concurrently held sessions. Panel members included scholars, attorneys, and members of the pornography industry. At some panel sessions, scholars presented papers describing their research, but more than 25 panels were made up predominantly of members of the pornography industry. These panels exposed the university to criticism that, in some respects, the conference was not entirely academic, even though many participants presented papers describing their experiences in pornography. Also, some titles of these panel sessions suggested a less-than-academic theme for the conference. These titles included “Writing and Presenting Erotica and Pornography: A Professional’s Panel”; “What Goes Into an Erotic Film: From Start to Finish”; “The Place of Pornography in the Theater, Home, Newspaper, and Classroom”; and “Child Pornography: Forbidden Thoughts and Images in an Erotic Landscape.”¹

In addition to the concurrent sessions, several general sessions were offered, including the keynote presentation: “In Defense of Pornography” by the president of the American Civil Liberties Union. Other general sessions included the following:

- “The Effects of Pornography” by a professor from the University of Hawaii.
- “The War Stories: Some Cases That Shaped Issues of Obscenity” by attorneys and others participating in court cases involving pornographic materials.
- “Pornography: A World Perspective” by scholars, attorneys, and members of the pornography industry.

¹ Although possession or distribution of child pornography is illegal, no verifiable evidence was presented that any criminal acts occurred associated with this panel session.

- “All-Star Porn Panel: Everything You Ever Wanted to Know About the Actors and Actresses in Erotic Films and Video From the People Who Know.”

Other parts of the conference that might be considered less than academic included entertainment events such as “Pornocopia: Our Body of Work—An Evening of Performance by Players in the Field” and the near-continuous showing of “landmark” pornographic films and videos.

FEW STANDARDS EXIST ON ACADEMIC CONFERENCES

There are few standards that might have guided the staging of the World Pornography Conference. CSU Northridge has only minor technical directives about conferences that are held on campus, and the CSU system has no conference policies. The one applicable principle we found—academic freedom—is general and open to interpretation. In fact, scholars do not even agree on how this principle applies to specific past conferences.

CSU Guidelines Are Limited

There are few protocols at CSU Northridge for holding conferences, and the CSU system has no conference policies. In this respect, however, the CSU is in line with major universities across the country in taking a hands-off approach. Universities generally realize that setting standards for the content and nature of conferences would violate faculty members’ constitutional rights to free assembly and free speech.

Universities generally believe that setting standards for the content and nature of conferences may violate constitutional rights to free assembly and speech.

According to its dean, the College of Social and Behavioral Sciences, with which the center is affiliated, has no documented requirements that the center must follow for holding conferences. Although the dean acknowledged that the center’s director had been in touch with him about the conference during its planning stage, the dean stated that he did not know the conference was going to be so “pro-pornography” until after it happened. Thus, it was too late for him to attempt to affect the conference’s staging. Further, the dean questioned his ability to influence the staging of conferences in general because tenured faculty members know the colleges can levy few meaningful sanctions to enforce directives.

Although some conference guidelines existed at CSU Northridge when the conference was held, they would not have restricted

the nature or content of the World Pornography Conference. The university's procedures at that time pertained only to the centers' need for campus space or funding to hold events. In these instances, centers must obtain certain approvals from the campus's administration. Even then, the university's intervention is limited to whether sufficient space is available on the desired dates and whether it will provide discretionary funds to hold the event.

Because the center did not need space or funding from the university, no CSU Northridge approval was needed for the conference.

The center needed neither facility space nor funding from the university, so it did not need approval from CSU Northridge to hold the conference. The center held its conference at a hotel nearly 20 miles away from the campus, and attendance fees more than covered the conference's costs.

The CSU system also has no applicable standards for staging academic conferences. According to the system's chief academic officer and executive vice chancellor who heads the Division of Academic Affairs, the CSU system has issued no policies regarding academic conferences.

Many universities in the United States, including several leading public research universities, are similar to the CSU in not having conference guidance. When discussing the lack of conference protocols with 10 universities, including Pennsylvania State University and Ohio State University, we learned that universities believe they cannot exert much influence over how conferences are held because of faculty members' constitutional right to assemble. Further, a university attempting to prohibit a conference based on its content would raise issues concerning academic freedom and the free speech provisions of the First Amendment. Although universities have limited ability to prohibit conferences or affect their content or direction, they can counsel conference organizers about any potential consequences that might arise.

THE PRINCIPLE OF ACADEMIC FREEDOM DOES NOT SUPPORT OR REFUTE THE CONFERENCE'S ACADEMIC MERIT

A possible standard for measuring the conference's academic value is the principle of academic freedom, to which many American universities, including CSU Northridge, adhere.

Simply stated, academic freedom is the freedom of teachers to teach and learners to learn without unreasonable restraint. Scholarly organizations disagree on how to apply this general principle to specific situations involving scholarly conduct, so the standard of academic freedom does not give a basis for concluding that the conference was or was not sufficiently academic.

Academic freedom is premised on the belief that the common good depends on the free search for truth and its free exposition.

While trying to identify standards for academic conferences, we spoke with scholars and administrators who often cited the principle of academic freedom as a criterion against which we could compare the nature and content of the World Pornography Conference. Officials with the American Association of University Professors (AAUP) and the National Association of Scholars (NAS) provided us with the background to better understand academic freedom. For example, the *1940 Statement of Principles on Academic Freedom and Tenure With 1970 Interpretive Comments (Principles)* explains that the common good depends upon the free search for truth and its free exposition. It also states that institutions of higher education are conducted for the common good and not to further the interest of either an individual professor or an institution.

The two groups agree on many points concerning academic freedom. For instance, they both believe that academic freedom allows any issue to be the topic of scholarly efforts. The AAUP and the NAS officials also agree that academic freedom applies to teaching and learning, or to research. In fact, the *Principles* state that professors are “entitled to full freedom in research and in the publication of the results . . . [and] are entitled to freedom in the classroom in discussing their subject . . . “

In general, the tenets of academic freedom would seem to support the center’s right to hold a conference on pornography as long as teaching or learning occurred. According to the center’s director, the conference was indeed academic because it provided a scholarly forum for discourse. Panel members presented papers concerning their research or participated in discussions with other panel members; therefore, the conference provided the “teaching” part of scholarship. Further, those who attended the sessions were able to listen to the presentation of the papers or to the discussions. Therefore, the conference provided the environment for learning to occur. Also lending credence to the argument that the conference was academically oriented is the planned publication this year of a book composed of papers presented at the conference.

Although the AAUP and NAS agree on general points about academic freedom that seem to support the holding of a conference discussing pornography, these scholarly organizations also may disagree on how to apply the principle in specific situations. In their responses to another controversial conference, they did not agree about the extent to which academic freedom protected the actions of scholars—and apparently would not agree on whether the principle would support the specific content of the World Pornography Conference.

The AAUP appears to have a broader idea of what actions are appropriate under academic freedom. For example, after the president of a New York university defended the staging of a controversial conference on his campus in 1997, the AAUP gave him an award in recognition of his “outstanding contribution to academic freedom.” The president, despite his own personal objections, had cited academic freedom in defense of a one-day conference entitled “Revolt in Behavior: The Challenges of Women’s Sexual Freedom.” At this conference, controversial panel sessions included “Sex Toys for Women”; “Safe, Sane and Consensual S/M [sodomasochism]: An Alternate Way of Loving”; and “How to Get What You Want in Bed.” Critics described this conference as “sexual antics [parading] as intellectual freedom,” “a celebration of perversity and sexual libertinage,” and “a dark sexual burlesque.” Another critic stated that the university should “take a more academic approach to education.” Without having actually attended the World Pornography Conference, the AAUP’s associate secretary told us that, since it was organized by a faculty member for apparent academic purposes, the AAUP believes the conference, despite its controversial subject matter, falls within the scope of academic freedom.

Scholars do not agree on the range of activities protected by academic freedom.

The NAS, on the other hand, appears to apply a more narrow definition of what actions would be appropriate under academic freedom. For example, it severely criticized the AAUP for giving its award to the university president for defending the controversial New York university conference. It felt that “no one has ever attempted to justify [the conference] as remotely academic in nature” and that the conference “lacked even a patina of academic purpose.” The NAS accused the organizers of the New York university’s conference of abandoning “scholarly pretense” and further accused the AAUP of abandoning intellectual standards. Although its officials would not tell us

specifically, it appears that the NAS would not consider the World Pornography Conference defensible under academic freedom.

SOME CRITICISMS NOT SUSTAINABLE

The highly controversial conference drew many criticisms, chief among them being that it was thoroughly one-sided, that it improperly used state support, and that it promoted pornography careers to students. Indeed, the conference appears to have been quite one-sided. However, as previously discussed, both the AAUP and the NAS agree that academic conferences do not need the balance of opposing viewpoints. Available evidence does not support the other criticisms regarding state support and student involvement.

The Conference Evoked a Huge Controversy

Controversies dogged the conference from the outset. On the first full day, demonstrators protested across the street from the conference, complaining that pornography harms women and children, so a state university's support of it was an abomination. In the media, critics characterized the conference as "a day in hell," "an odd assemblage . . . to celebrate pornography," "a carnival of porn stars," and a public relations "event concocted by the adult entertainment industry."

At the legislative hearing held to consider the approval of the bureau's audit of the conference, the president of a victims' advocacy organization criticized the conference for using taxpayers' money to promote pornography careers to college students and to show college students how to sexually exploit other people. The conference also was challenged as an inappropriate use of public support, including the use of state funds and the use of CSU Northridge's name and logo. One legislator at the hearing characterized the conference as "a trade show for pornographers."

The conference garnered so much attention that, shortly after it concluded, at least one U.S. congressman and several members of the California Legislature, including the CSU Northridge area's state senator and assemblymember, inquired about the conference with the CSU chancellor's office or with CSU Northridge directly.

Protesters complained that pornography harms women and children.

Other forums within the academic arena provide the contrary voices—for example, an anti-pornography conference was held in 1993 at the University of Chicago.

Multiple Viewpoints at Academic Events Are Not Necessary

The conference was criticized for not presenting a balanced view on the issue of pornography. However, various scholars told us that the presentation of all views, or even opposing views at any single conference is not necessary.

The conference was decidedly pro-pornography, being co-hosted by the trade group that represents people in the pornography industry. Further, conference organizers admitted they were unsuccessful in securing participants from “the anti-pornography side.” Nevertheless, officials of the AAUP and the NAS agreed that individual academic events, such as conferences, do not need to present all, or even opposing, viewpoints. According to these officials, the entire academic arena provides a forum for contrary voices to be raised. Therefore, those with differing views can hold their own conferences or use other means, such as publishing journal articles, to make their views known.

One academic conference that expressed views at the other end of the spectrum from those at the World Pornography Conference occurred in 1993. This conference, entitled “Speech, Equality, and Harm: Feminist Legal Perspectives on Pornography and Hate Propaganda,” was held at the University of Chicago. A review of the book compiled from papers presented at this conference shows that it clearly fell on the anti-pornography side of the spectrum. According to one person who attended both conferences, the 1993 conference at the University of Chicago was just as one-sided as the World Pornography Conference.

In addition, CSU Northridge purports to make an environment available for alternative views to be presented. Officials told us that, as a matter of policy, if another university center, a faculty member, an administrator, or a student wanted to organize and hold an anti-pornography conference, CSU Northridge would provide access to the same limited services available to the center for its sponsorship of the World Pornography Conference.

University Support for the Conference Was Not Unprecedented

Another criticism of the conference was that it inappropriately used “state support,” which includes university funding, CSU Northridge’s provision of services related to the conference, and the use of the university’s name and logo in conjunction

with the conference. Yet, CSU Northridge provided no funding for the conference. We found that the level of support CSU Northridge provided the center for its conference was modest and not out of line with the support it would have made available to any other campus center for staging a similar event.

Accounting records indicate that the conference earned nearly \$43,000 from attendance fees while incurring \$22,000 in costs. CSU Northridge did not, therefore, need to give the center any funds. Further, because the center held the conference at a hotel off-campus, the university did not need to provide facilities for the conference.

CSU Northridge did, however, provide services related to the conference, as it would have done for any other center on campus, according to university officials. Specifically, it helped the center advertise the conference and manage press contacts. The university's press office issued a press release on university letterhead stationery about the conference approximately two months before it occurred. CSU Northridge also handled requests for the conference's press credentials and staffed a table at the conference to issue the credentials to the nearly 120 media representatives who attended. The center advertised the conference on its pages on the CSU Northridge's Web site.

Student Involvement Was Minimal

Besides criticizing the conference for promoting pornography careers to college students and showing college students how to sexually exploit other people, critics also questioned whether students were provided scholarships to attend the conference and whether they received class credit for attending. We cannot substantiate these allegations.

As it would for other centers, CSU Northridge provided press support and web space.

Student involvement in the conference appears to have been minimal. Our review of the conference's registration records revealed that fewer than 10 (4 percent) of the nearly 270 paid attendees were students. Further, we found no evidence that students received scholarships to attend the conference. Because the conference's registration form stated that some "work/scholarships" were available, one might reasonably draw the conclusion that students received university funding to attend the conference, and possibly earned course credit for attending. However, according to the center's director, the "scholarships" indicated on the registration form referred to waivers of registration fees for students willing to work at the conference.

University staff told us that two student assistants helped distribute press credentials at the conference. Further, the center's director stated that 10 to 15 students helped staff registration tables, checked conference badges for access to conference sessions, and provided logistical assistance. Finally, according to the center's director and university officials, no class credit was given to any student for any activities associated with the conference.

A PROCEDURAL WEAKNESS LIMITED THE UNIVERSITY'S ABILITY TO RESPOND TO THE CONTROVERSY

Although we found no impropriety directly related to the conference itself, we did discover that CSU Northridge lacks procedures for investigating allegations of research misconduct. If the university had been able to apply such procedures, we believe it could have responded more effectively to allegations associated with the conference. For example, rather than attempting to justify the conference simply on the basis of academic freedom and the center's reputation, CSU Northridge could have established a faculty-based committee and given it responsibility to review and report on the scholarly foundations of the conference. The absence of an established review process arises from the CSU system, which does not require policies and procedures for addressing allegations of research misconduct.

Unlike other universities, CSU Northridge has no procedures for investigating allegations of research misconduct.

Procedures related to research misconduct are supposed to prevent, detect, and respond to allegations of misconduct in research and authorship. Misconduct in research includes fabrication, falsification, plagiarism, deception, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. Research misconduct does not include honest errors or differences in interpretations of, or judgments, about data.

Insufficiently addressed allegations of research misconduct could threaten a university's reputation and lead to a loss of support from alumni or the providers of research grants. Universities with research misconduct procedures have a vehicle to address any genuine allegation of misconduct reported by students, staff, faculty members, individuals outside the university community, or university committees.

Many of the nation's top public universities have adopted policies and procedures for investigating allegations of misconduct in research by university research centers, faculty, staff, or students. Further, the University of California has procedures concerning misconduct in research and requires similar procedures to be in place at each of its 9 universities. Similar policies and procedures also exist for at least 6 of the 23 CSU campuses, even though it is not required by the CSU system.

As described more fully in the background, an allegation of faculty research misconduct is subject to an initial inquiry. If the allegation is found to have merit, a faculty review committee initiates a formal investigation. If the committee finds misconduct, it may recommend sanctions to the dean of the school or the administrator overseeing university research. It also may recommend policy changes to avert possible future misconduct.

Given academic freedom and free speech, it would be unlikely for any faculty-based review committee to recommend imposing guidelines on a conference's content or direction. However, such a committee could recommend that organizers act to protect the names and reputations of the university, the CSU system, and the State from objections arising over future conferences dealing with controversial subjects.

An investigation into the conference might have concluded that the center should have provided this protection by taking steps to distance the conference from the university, the CSU system, and the State. One such step could have been to omit the university's name and logo from any references to the conference. Another less restrictive step could have been to include disclaimers on all conference materials available to the public, such as press releases, advertising, and programs. Such a disclaimer could read, "Despite the apparent one-sided nature of this conference, CSU Northridge strives to uphold the principle of academic freedom. Therefore, CSU Northridge respects the right of the Center for Sex Research to hold the conference. However, the views expressed at this conference do not necessarily reflect those held by CSU Northridge, the CSU system, or the State of California. Further, this conference is entirely self-funded; the Center for Sex Research received no state funding to stage this conference."

If research misconduct had been identified, CSU Northridge could have distanced itself from the conference.

RECOMMENDATION

To better respond to controversies associated with potential research improprieties, the CSU system should ensure that its universities establish procedures for responding to allegations of research misconduct.

We conducted this review under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. We limited our review to those areas specified in the scope section of this report.

Respectfully submitted,



KURT R. SJOBERG
State Auditor

Date: November 9, 1999

Staff: Steven Hendrickson, Audit Principal
Dale A. Carlson, CGFM
Ron Sherrod

Agency comments provided as text only.

The California State University
401 Golden Shore
Long Beach, California 90802

October 29, 1999

Mr. Kurt R. Sjoberg
State Auditor
600 J Street, Suite 300
Sacramento, CA 95814

Dear Mr. Sjoberg:

We have received the report on your investigation of the Center for Sex Research at California State University, Northridge and the symposium on pornography the Center sponsored in August 1998.

We have studied the report carefully and commend you and your staff for its thoroughness and objectivity. We concur with the recommendation that "the CSU system should ensure that its universities establish procedures for responding to allegations of research misconduct." You will receive a copy of our system policy when it is completed early next year. It will address your recommendation.

With kind regards,

Sincerely,

(Signed by: Charles B. Reed)

Charles B. Reed
Chancellor

CBR

cc: Dr. David S. Spence
Dr. Louanne Kennedy
Mr. Larry Mandel

cc: Members of the Legislature
Office of the Lieutenant Governor
Attorney General
State Controller
Legislative Analyst
Assembly Office of Research
Senate Office of Research
Assembly Majority/Minority Consultants
Senate Majority/Minority Consultants
Capitol Press Corps