

## Summary of the University of Toronto's position with respect to Dr. Olivieri and the Hospital for Sick Children

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**December 15, 1998**

The following twelve points summarize the position of the University of Toronto with respect to Dr. Nancy Olivieri and the Hospital for Sick Children. This position has been stated previously to the Academic Board of the Governing Council of the University of Toronto, and the Governing Council itself. It has also been reflected in our responses to media enquiries in recent months.

The University's position is as follows:

1. Dr. Olivieri is a respected and valued member of the Faculty of Medicine with a distinguished record of academic achievement.
2. As a faculty member of the University of Toronto, Dr. Olivieri is entitled to the full freedoms, rights and privileges of all members of the faculty including vigilant protection of her academic freedom.
3. The contract entered by Dr. Olivieri with Apotex violated University policy and would not be administered by the University. We agree with Dr. Olivieri that she made a mistake in signing the contract which included offensive publication restrictions, and we would not, and did not, either support this contract or the enforcement of these offensive provisions. The University in all its values, policies and procedures is committed to full and free debate, and therefore prohibits contracts or other arrangements which improperly restrict the timely public release of research results. Pursuant to the University's commitment to full and free debate, in 1996 the Dean of Medicine successfully intervened at the request of Dr. Olivieri to mediate between Dr. Olivieri and Apotex and achieved with the consent of both Apotex and Dr. Olivieri the disclosure of Dr. Olivieri's scientific data.
4. Fortunately, despite the contractual provision to the contrary, Dr. Olivieri has released and published her data and conclusions arising from the drug trials and has thereby made a contribution to the scientific assessment of the drug. Her findings and the effects of the drug are now properly the subject of active scientific debate. The University does not have a view about particular positions in this scientific debate. Indeed, distinguished colleagues within the Faculty of Medicine have reached competing scientific judgments on the effects of the drug. The University is, however, unequivocally committed to the view that full scientific debate, free of restrictions on publication or release of data, is essential.
5. The circumstances at the Hospital for Sick Children involving Dr. Olivieri and Apotex required a prompt review and full public disclosure of all the relevant facts. The University intervened to encourage the Hospital to undertake a review and supported the review when it was announced. This is the Hospital's review, not the University's.
6. The University undertook to cooperate fully with the Naimark Review. We have provided the Review with all relevant documentation and responded fully to all enquiries from Dr. Naimark and his fellow panelists.

7. The Review would have been greatly assisted by Dr. Olivieri's full participation. The University supported expanding the Review from one to three panelists as requested by Dr. Olivieri; the University was instrumental in introducing Dr. Friesen of the Medical Research Council to the process with the support of Dr. Olivieri's colleagues; the University applauded the participation agreement entered by Dr. Olivieri and the Hospital which committed both parties to a process for expanding the Review panel and completing the review initiated by Dr. Naimark alone; the University was dismayed by the failure of implementation of the participation agreement; the University supported Dr. Naimark's decision to add two distinguished panelists to the Review; and the University regrets Dr. Olivieri's continuing refusal to participate in the Review.
8. The University has repeatedly offered to assist Dr. Olivieri and has reiterated this offer twice over the past four weeks and as recently as this week. We remain ready to assist her.
9. The University has advised the Hospital, and the Hospital has agreed, that after receipt of the Naimark Review, the Hospital must review thoroughly with the University any contemplated adverse action against any faculty member of the University of Toronto working at the Hospital prior to any such action taking place. We have also made clear, and will continue to make clear, that we will protect the full rights, privileges and freedoms of our faculty colleagues.
10. Dr. Olivieri's case raises a number of important general issues about research ethics and integrity, conflict of interest and related matters of policy and procedure. The Hospital for Sick Children intends to undertake a thorough review of these issues following the Naimark Review and the University supports this initiative. At the same time, however, the University intends to review its relationships with all of its affiliated teaching hospitals to ensure that the circumstances of faculty members working in these hospitals are fully consistent with the University's policies and the protection of our colleagues' rights, privileges and freedoms as members of the University.
11. Once we have received and reviewed the Naimark Review, the University will take whatever other steps are necessary to protect and vindicate the rights, freedoms and privileges of our faculty members.
12. The University deplors any harassment of Dr. Olivieri or any other faculty member.