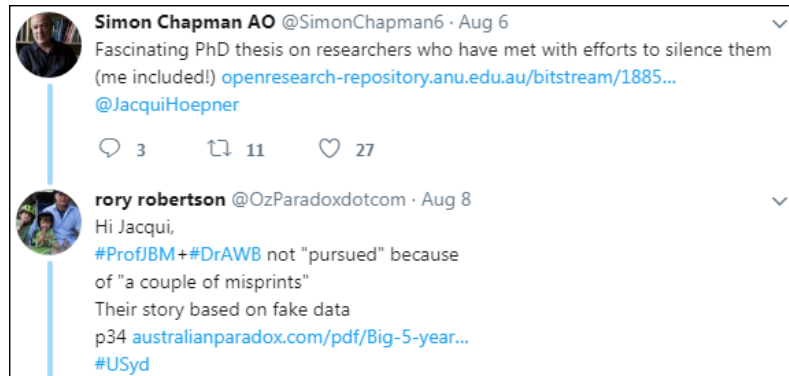


Rory Robertson

August 2017

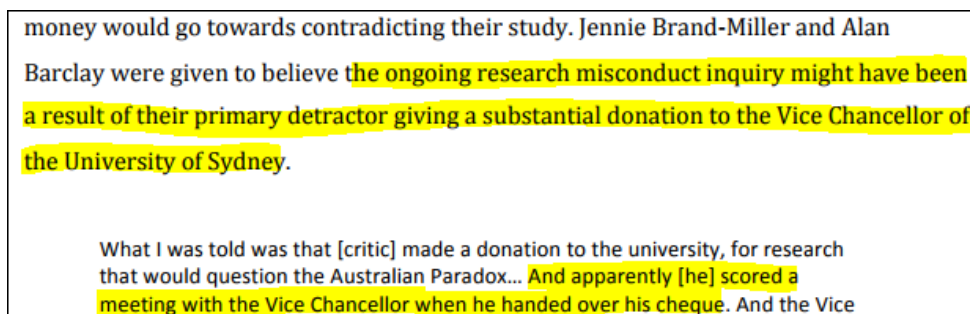
University of Sydney misconduct in ANU PhD on “research silencing” and “academic freedom”

Hello readers. My name is Rory Robertson. I am referred to as a “primary detractor” in various events recounted in the July 2017 PhD thesis that is reproduced in part in this document (see p. 7, below). I was not interviewed to put my side of the story before the Australian National University’s @JacquiHoepner had her PhD launched on Twitter:

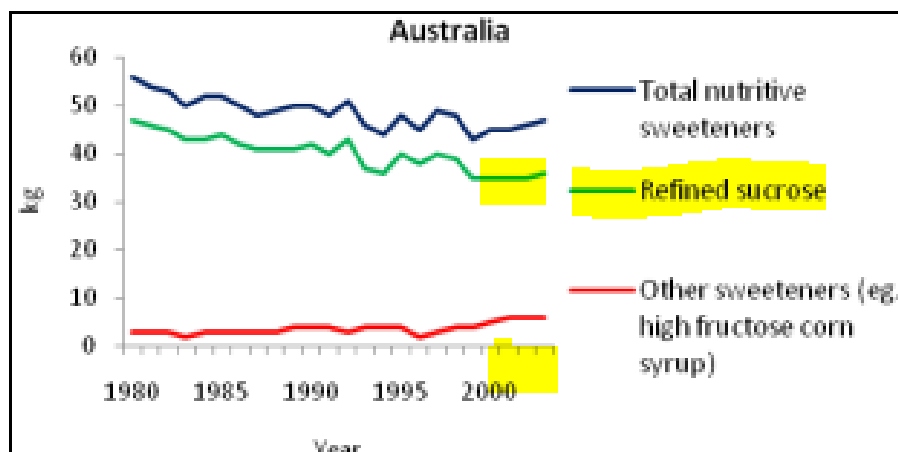


I’m responding here because this ANU PhD falsely suggests I’ve been unreasonable and mean - **even corrupt** - in **disputing the University of Sydney’s infamous Australian Paradox “finding”**. Unsurprisingly, I’m keen to provide a reliable account of this matter: <http://www.australianparadox.com/pdf/Big-5-year-update-Feb-2017.pdf>

For starters, this July 2017 PhD thesis contains **the defamatory suggestion that I bribed University of Sydney Vice-Chancellor Michael Spence**, to secure a meeting with him, in the process of ensuring the 2014 research-integrity Inquiry went ahead (pp. 58, 94 and 96). **In fact, I did not bribe, and have not yet met, Dr Spence** (see p. 3, below).



Critically, the PhD’s topic is reported to involve an **exclusive focus** on academics whose work has been disputed **“on moral grounds” alone, explicitly rejecting academics involved in “demonstrable cases of misconduct” and those promoting “research that is invalid or deficient in some demonstrable way”** (pp. 2, 19, 99 and 116). Thus, research spanning 1980-2010 that relies on **data discontinued as unreliable after 1998-99, then unreasonably extended as a conspicuously flat, faked series - notably dead-ending in 2003** - obviously has **no valid place** in the thesis (chart).



Ms Hoepner explains that she didn't waste much time investigating **why** the *Australian Paradox* research is being "attacked": "From a **preliminary reading** of my participants' cases prior to conducting interviews, the responses to their research didn't seem to be based on critique, or furthering understanding, or quality control" (p. 119).

Unfortunately, **not bothering to notice** the problems invalidating the *Australian Paradox* "finding" (see pp. 18 and 28 in my *Five-year Update* link above) was a **profound error by Ms Hoepner**. It led her to the **inappropriate recruitment** of University of Sydney Professor Jennie Brand-Miller and Dr Alan Barclay as research subjects.

It was all downhill from there. Ms Hoepner writes: "**The data elicited from [Professor Jennie Brand-Miller's] interview was among the richest and most critical...**" (p. 12). That "rich" information set includes the blatantly false claim that Professor Brand-Miller and **co-author** Dr Barclay's extraordinarily faulty *Australian Paradox* research was "pursued relentlessly" for years "for what amounted to **a couple of misprints**" (p. 127).

Alas, a young ANU researcher's PhD has been ruined because she was misled by distinguished – but somewhat incompetent, dishonest and/or delusional - scientists from the University of Sydney's palatial Charles Perkins Centre. This unacceptable devotion to recklessly false information is highlighted by Professor Brand-Miller telling Ms Hoepner that I would be surprised to learn that she has "**absolutely**" **no pro-sugar conflicts of interest** (p. 69).

In fact, **Professor Brand-Miller founded and operates the University of Sydney's (50%-owned) business** that's paid by food and beverage industries to put healthy Low-GI stamps on products that are up to 99.4% sugar, while she and her **Low-GI crew sell literally millions of diet books** that feature the reckless false claim: "**There is absolute consensus that sugar in food does not cause [type 2] diabetes**" (see p. 5 below and pp. 5&7 in *Five-year Update*).

Critically, rather than unearthing just "a couple of misprints", I have demonstrated clearly, year after year, that **Professor Brand-Miller and Dr Barclay's high-profile "finding" is based on data discontinued as unreliable, and fake data, on top of their impressively clownish assessments of up versus down** (pp. 18&28 in *Five-year Update*).

Amazingly, **Professor Brand-Miller, Dr Barclay and senior University of Sydney management have, year after year, recklessly pretended that their *Australian Paradox* "finding" (2011) is scientifically valid** despite knowing their preferred indicator was **discontinued as unreliable by the Australian Bureau of Statistics (ABS) after 1998-99, and then faked: the preferred indicator after 1998-99** - after the ABS abandoned an unreliable counting methodology and stopped counting! - is a **conspicuously flat faked series, dead-ending in 2003** (pp. 28&64 in *Five-year Update*).






So, not only are my concerns about the veracity of this shonky pro-sugar research - widely promoted by industry and politicians - focused on **profoundly deficient university quality control**, the persistence of the misconduct has made the *Australian Paradox* scandal **the best-documented case of serious research fraud in Australian history**.

Ironically, given claims that I've recklessly "silenced" Brand-Miller and Barclay, their *Australian Paradox* research continues to multiply, with four shonky papers - promoting fake data as valid - in three journals. In March 2017, they placed fake data in the *American Journal of Clinical Nutrition* (p. 5, below). Amazingly, Professor Stephen Simpson (Academic Head of Charles Perkins Centre) and Professor Stewart Truswell (main scientific author of our *Australian Dietary Guidelines*) now have their names on this epic fraud (pp. 78 & 94-97 in *Five year Update*).

Readers, incompetence and persistent research fraud have been allowed to run wild at the University of Sydney. Disturbingly, victims of the *Australian Paradox* fraud continue to accumulate. Beyond tending to harm people still unconvinced **added sugar is a major driver of disease, misery and early death**, via the twin pandemics of obesity and type 2 diabetes (see pp. 4-6, below), the authors' self-serving misinformation now has **ruined an ANU student's PhD thesis and brought Group of Eight science into serious disrepute**. Why do **taxpayers** give billions of dollars to the Group of Eight, when its quality control is so lacking that even its highest-profile research cannot be trusted?

I blame an epic failure of leadership by University of Sydney Vice-Chancellor Michael Spence, who was Chair of the Group of Eight for two years while the well-documented *Australian Paradox* fraud unfolded. Year after year, he has refused to confront the facts that matter, including faked flat lines. His indifference has allowed **taxpayers to be defrauded on a massive scale, via the Group of Eight's false promises of research "excellence"**; for the record, Sydney University pockets near **\$700m per year** from taxpayers (p. 4, below). **Again, Michael Spence's epic failure of leadership has provided reckless support for false information that is harming public health. He should resign.**

Rory Robertson's donation to the Faculty of Health Sciences that the ANU PHD thesis suggests - via Professor Brand-Miller and Dr Barclay - was a bribe to secure 2014 research-integrity Inquiry

 THE UNIVERSITY OF SYDNEY			
<p>Mr Rory David Robertson </p>			
<p>6 May 2013</p>			
<p>Dear Mr Robertson,</p>			
<p>Thank you on behalf of the Faculty of Health Sciences for your contribution of \$10,000.00 to support Research into monitoring health and dietary behaviour during participation in an online lifestyle program. Please find below your official University tax receipt.</p>			
<p>The University of Sydney is a vibrant teaching and research institution dedicated to solving real world problems. Your gift will help us to ignite the potential of our brightest minds. For generations we have recognised the power of education to lead change. With your help, we are able to continue this tradition by creating a community where individuals and their ideas can flourish.</p>			
<p>Thank you for your donation. Your generosity shows that our work matters to you.</p>			
<p>Yours sincerely,</p>			
			
<p>Tim Dolan Director of Development</p>			
<p>420243/297732/HEA-017</p>			
RECEIPT/TAX INVOICE			
			
Date	Received From	Receipt Number	Amount
23/04/2013	Mr Rory David Robertson	297732	\$10,000.00
<p>Payment type: Direct Deposit</p>			
<p>A gift to the University is allowable for the purpose of claiming a deduction under item 1 of the table in section 30-15 of the Australian Income Tax Assessment Act of 1977</p>			
			
<p>Office of the Vice Chancellor and Principal Advancement Services</p>		<p>T +61 2 8627 8807 F +61 2 8627 8819 E Advancement-Services.Gifts@sydney.edu.au sydney.edu.au</p>	<p>ABN 15 211 513 464 GRICOS 00026A CFN 10389</p>
<p>Level 6, Jane Foss Russell Building G02 THE UNIVERSITY OF SYDNEY NSW 2006 Australia</p>			

University of Sydney and Group of Eight supporting scientific fraud, and thus defrauding Australian taxpayers on a massive scale

In an epic failure of leadership in 2016, University of Sydney Vice-Chancellor and Chair of the Group of Eight, Dr Michael Spence, ditched the Go8's promise of "excellence" in research, as he embraced Academic Freedom and refused to correct blatantly false information tending to harm public health. Critically, formal retraction is the standard approach to fixing false and harmful "findings" on the scientific record. Over 600 faulty peer-reviewed papers are retracted each year (~2 per day). Supporting false and harmful "findings" published without proper quality control is **unethical and unacceptable**: <http://retractionwatch.com/2016/12/05/retractions-holding-steady-650-fy2016/>

"Dear Mr Robertson
I have received your e-mail of 24 May [2012].
On the advice available to me the report of Professor Brand-Miller's research which appears in Nutrients was **independently and objectively peer-reviewed** prior to its publication in that reputable journal.
In that circumstance there is **no further action** which the University can or should take in relation to your concerns.
Yours sincerely
Michael Spence
DR MICHAEL SPENCE | Vice-Chancellor and Principal UNIVERSITY OF SYDNEY": Chart 6 at <http://www.australianparadox.com/pdf/22Slideshowaustraliangoestoparadoxcanberrafinal.pdf>
<http://www.australianparadox.com/pdf/quickquizresearch.pdf>

Dear Mr Robertson
An independent enquiry has found there to have been no academic misconduct in the publication of this research justifying any type of disciplinary action or requiring the retraction of this paper.
Universities are not advocacy organisations. They do not promote particular points of view. They are fora for research and debate and must, absent independently established research misconduct or some type of unlawfulness, protect the right of their academic staff to undertake and publish research. This includes research that you may believe to be wrong in its conclusions. Indeed, the whole progress of scientific understanding depends upon the constant correction and re-correction of published research. For a university to require the retraction of a piece of research simply on the basis that someone believes it to be wrong, **even patently wrong**, would be a fundamental blow to the tradition of free enquiry that has made universities such powerful engines of innovation and of social development over many centuries. **I repeat, we will not censor or require the retraction of the the academic work of our staff on any grounds save independently verified research misconduct or unlawfulness.**
Your campaign of public vilification will not change this position.
Yours sincerely
Michael Spence

20 April 2016 <http://www.australianparadox.com/pdf/Go8Chair-academicfreedom.pdf>



	2015	2014	Change	Change
	\$M	\$M	\$M	%
Teaching and learning operating grants	304.4	299.5	4.9	1.6
Capital funding	1.3	6.9	(5.6)	(81.4)
Federal government operating and capital grants	305.7	306.4	(0.7)	(0.2)
Research block grant funding	150.9	150.4	0.5	0.3
Other federal agencies - research	157.2	160.6	(3.4)	(2.1)
Australian Research Council	64.1	73.0	(8.9)	(12.2)
Scholarships	30.3	29.1	1.2	4.0
Federal research funding	402.5	413.2	(10.7)	(2.6)
Total federal funding	708.2	719.6	(11.4)	(1.6)

p. 51 of 136 <http://sydney.edu.au/dam/corporate/documents/about-us/values-and-visions/University-of-Sydney-2015-Annual-Report.pdf>

While soliciting billions of dollars from hapless taxpayers and politicians, the University of Sydney and its Group of Eight partners promised to pursue "excellence" in research; yet post-funding, they actively support blatantly false, harmful research "findings"!

The Group of Eight: *Research intensive universities promote excellence in research...integrity is the requirement, excellence the standard...the application of rigorous standards of academic excellence...placing a higher reliance on evidence than on authority...the excellence, breadth and volume of their research...help position the standards and benchmarks for research quality...research intensive universities are crucial national assets...[they have] the right and responsibility to publish their results and participate in national debates...provide information that supports community well-being...they are citadels of ability and excellence... Excellence attracts excellence... The reputation of these universities reflects substance, not public relations...the research intensive universities are critical. The way in which they operate ensures the highest possible standards of performance across a broad range of disciplines and helps set national standards of excellence.* <https://qo8.edu.au/sites/default/files/docs/role-importanceofresearchunis.pdf>

Page 79 <http://www.australianparadox.com/pdf/Big-5-year-update-Feb-2017.pdf>

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Indigenous Affairs Minister Nigel Scullion says sugary soft drinks 'killing the population' in remote communities

By political reporter Anna Henderson
Posted 12 Feb 2016, 2:07pm

In the wake of this week's progress report on Closing the Gap, the Indigenous Affairs Minister Nigel Scullion has declared sugary soft drinks are "killing the population" in remote Indigenous communities.

According to evidence provided to Senate estimates today, at least 1.1 million litres of so-called "full sugar" soft drink was sold in remote community stores last financial year.

"I think particularly in remote communities and very remote communities sugar is just killing the population," Senator Scullion said.



PHOTO: The Closing the Gap report said the worst health outcomes, in terms of diabetes, heart disease and other chronic illnesses were found in remote communities. (News Video)

<http://www.abc.net.au/news/2016-02-12/scullion-says-sugar-is-killing-remote-communities/7162974>

Professor Jennie Brand-Miller insists she has “absolutely” no pro-sugar conflicts of interest, yet she founded and operates University of Sydney’s (50%-owned) Glycemic Index (GI) business!



According to University of Sydney’s revenue-producing operation, healthy Low-GI products include a special GI blend of 99.4% refined sugar, plus yummy Milo (46% sugar). Great for kids and diabetics!

<http://www.gisymbol.com/csr-logicane-sugar/>

The University of Sydney’s Low-GI crew also is selling millions of copies of sugar-defending/promoting Low-GI diet books. This tasty cashflow is supported by the *Australian Paradox* hoax

From the Australian creators of the international best-selling *Big Bloods* franchise series - Over 2.5 million copies in print

WORLD'S FOREMOST AUTHORITIES ON 2 DIABETES AND PRE-DIABETES

Improve your life and stop worrying about diabetes
what you need to eat and do
keep your blood glucose levels under control
and avoid those nasty diabetes complications for good

the diabetes & pre-diabetes handbook

The Definitive Guide to Managing Diabetes and Pre-diabetes Using the Glycemic Index

Prof Jennie Brand-Miller • Kaye Foster-Powell
THE WORLD'S FOREMOST AUTHORITIES ON THE GLYCEMIC INDEX
Prof Stephen Colagiuri • Dr Alan Barclay

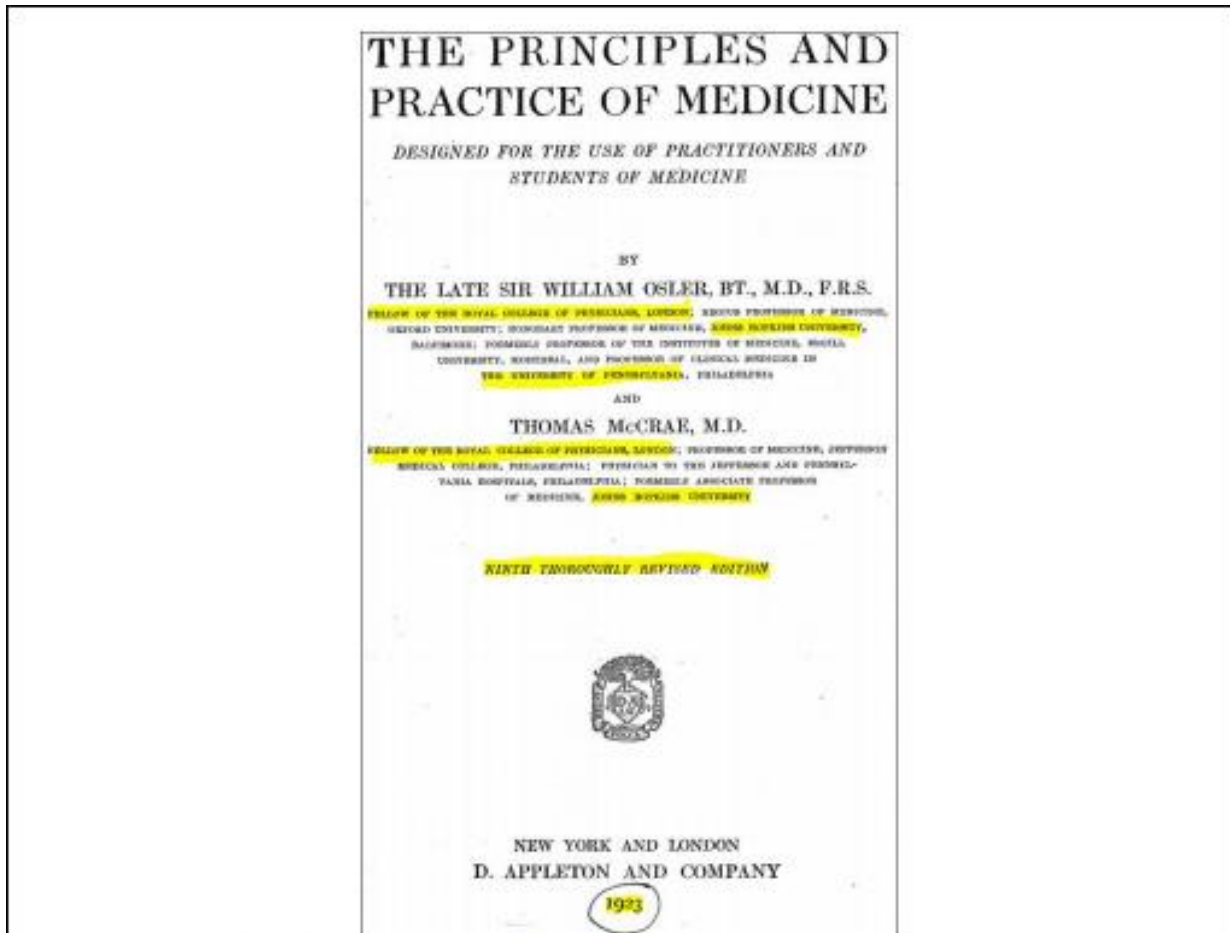
Doesn't sugar cause diabetes?

No. There is absolute consensus that sugar in food does not cause diabetes. Because the dietary treatment of diabetes in the past involved strict avoidance of sugar, many people wrongly believed that sugar was in some way implicated as a cause of the disease. While sugar is off the hook as a cause of diabetes, high GI foods are not. Studies from Harvard University indicate that high GI diets increase the risk of developing both diabetes and heart disease.

Prof Jennie Brand-Miller • Kaye Foster-Powell • Prof Stephen Colagiuri • Dr Alan Barclay
THE WORLD'S FOREMOST AUTHORITIES ON THE GLYCEMIC INDEX

During National Diabetes Week in July 2017, Robertson wrote to the Australian Department of Health to explain "The scandalous mistreatment of Australians with type 2 diabetes (T2D)":

<http://www.australianparadox.com/pdf/Expanded-Letter-HealthDept-type2diabetes.pdf>



The following are the conditions which influence the appearance of sugar in the urine:

(a) **EXCESS OF CARBOHYDRATE INTAKE.**—In a normal state the sugar in the blood is about 0.1 per cent. In diabetes the percentage is usually from 0.2 to 0.4 per cent. The hyperglycemia is immediately manifested by the appearance of sugar in the urine. The healthy person has a definite limit

<http://www.australianparadox.com/pdf/1923-Medicine-Textbook.pdf>

Added sugar is 100% carbohydrate. In 1923, it was widely known by competent GPs that excess added sugar and other carbohydrates are the main driver of (Type 2) diabetes. Accordingly, a low-carb, high-fat cure was advised. Today, that LCHF diet cure is almost universally suppressed by public-health careerists. Sadly, nutrition "science" last century was hijacked by mistaken but highly influential anti-fat, pro-carb researchers. For diabetics today, official advice is worse than useless: it's high-carb and thus harmful (see Part 8). Disturbingly, low-GI Professor Stephen Colagiuri - a co-author of that ludicrous "absolute consensus" falsehood on the right - is the main author of Australia's *National Diabetes Strategy 2016-2020* (p. 84). The known cure suppressed, Indigenous Australia dies young (p. 6).

A series of snippets from the ANU PhD thesis follows (PhD is reproduced almost in full, from p. 7 of <http://www.australianparadox.com/pdf/Response-to-ANU-PhD-on-Research-Silencing-BW.pdf>)

**'You need to shut up': Research silencing and what it
reveals about academic freedom.**

A thesis submitted for the degree of

Doctor of Philosophy

of

The Australian National University

by

Jacqueline Elise Hoepner

Centre for the Public Awareness of Science

College of Physical and Mathematical Sciences

July 2017

ANU PhD suggests Rory Robertson bribed University of Sydney VC Michael Spence

money would go towards contradicting their study. Jennie Brand-Miller and Alan Barclay were given to believe **the ongoing research misconduct inquiry might have been a result of their primary detractor giving a substantial donation to the Vice Chancellor of the University of Sydney.**

What I was told was that [critic] made a donation to the university, for research that would question the Australian Paradox... **And apparently [he] scored a meeting with the Vice Chancellor when he handed over his cheque.** And the Vice Chancellor told him that this is the way to sort the problem out, to do this research. Which is possibly true—that you could sort the problem out, by having people fund it to do research which proved you wrong, but I would have thought you'd come from it, from a point of view that was more open-minded than that.

Page 58; **Readers, the receipt for my donation is on page 3 of this document (RR)**

Research misconduct inquiry refers to participants who were **forced to defend their work against claims of wrongdoing in an official investigation.** Although participants who experienced this behaviour were ultimately cleared, they believe their reputations sustained damage throughout the process. Jennie Brand-Miller explained her anxiety around having the research misconduct inquiry, as she feared her reputation might be permanently smeared with unfounded accusations.

I was stunned when the Research—the Pro-Vice Chancellor of Research she made the decision, after a long time, I think it probably was December 2013, so we'd been now going almost two years. She made the decision that the only way to settle this was to institute an inquiry into research misconduct. And honestly the words 'research misconduct' were enough to make me feel sick, because you know, it would mean from there on in if someone, you know, got your name and just Googled it, it would be associated soon enough with something called 'research misconduct'. And you didn't have to read far to gain the impression that I'd done something wrong.

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That is, the university **guarantees** academics' rights to pursue lines of enquiry, **as long as it is conducted in an appropriate and scholarly way.** It is then left up to both the written

Jennie Brand-Miller felt let down by her university, as they bent to money and influence from an outsider, rather than defending her right "to pursue knowledge for its own sake, wherever the pursuit might lead" (**Senate and Academic Board of the University of Sydney, 2008**). The highly contingent, subjective, grey areas inherent in these policies provide crucial perspective for why there is a gap between what my participants believed and expected of **academic freedom**, and the attacks upon their work.

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undermines this commitment. **Brand-Miller was particularly disappointed with the lack of protection and support offered by University of Sydney administration and their willingness to give in to demands from her and Barclay's primary detractor.** !

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Abstract

What do attacks on ‘unpalatable’ or ‘controversial’ research reveal about academic freedom? In this thesis I examine cases in which academic freedom has been curtailed, and show that they reveal a great deal about this dearly held, yet poorly defined and understood, concept. Instances of research silencing based on **moral objection—rather than demonstrable misconduct**—suggest that academic freedom does *not* allow for the unfettered **pursuit of academically rigorous research** agendas. Academic freedom is a tightly rule bound concept in and through which the rules of the academic game are promulgated and policed. ‘Freedom’ is not the opposite to rules when it comes to academic work. When breaches to the rules that I argue constitute the core of academic freedom occur, they produce visceral reactions of disgust. It was these I placed under close examination in order to get at the difference between what we believe academic freedom to be, and what it actually is.

Qualitative research interviews were conducted with 18 academics and scientists whose research has elicited controversy, condemnation or constraint beyond the expectations of ‘legitimate’ scholarly critique. A mixed-methods analysis of the data was used to determine shared themes, discourses and characteristics within the dataset.

While academic institutions uphold their commitment to unfettered enquiry, ‘academic freedom’ is highly contingent and subject to the values of players in the field. This research challenges both the ideal and practice of academic freedom and reveals the invisible bounds that hinder free enquiry.

References

Akerman, P. (2014, January 10). Abbott backs review of wind farms. *The Australian*, p. 1.

Barclay, A., & Brand-Miller, J. (2011). **The Australian Paradox: A Substantial Decline in Sugars Intake** over the Same Timeframe that overweight and Obesity Have Increased. *Nutrients*, 3, 491-504. <http://doi.org/10.3390/nu3080734>

Jennie Brand-Miller and Alan Barclay were pursued relentlessly for over two years for what amounted to a couple of misprints. Anthony Miller was accused of deliberately causing women harm to get the result he wanted. Kirsten Bell was told her position was

The negative response or attack had to be based on **the academic** either following an unpalatable line of enquiry, or publishing controversial findings—backlash based on the ‘acceptability’ of the research itself. As such, **my participants were selected** because their cases reflected a pattern of silencing responses largely from the field of public health, **rather than demonstrable misconduct**.

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Jennie Brand-Miller

Co-authored ‘The Australian Paradox’ with Alan Barclay (Barclay & Brand-Miller, 2011). Their findings suggested that contrary to worldwide trends, as sugar consumption has declined in Australia, obesity rates have risen. A lawyer and economist teamed up to publicly attack them, including calling their employers and calling for them to be fired. They were later encouraged by the University of Sydney to defend their findings in a research misconduct inquiry, which found some minor problems, but cleared them of misconduct. Brand-Miller feels the experience has turned her into a coward—no longer confident to speak up about misinformation or challenge the status quo. She says the experience has changed the way she feels about her career and self-worth.

Alan Barclay

Co-authored of ‘The Australian Paradox’ paper with Jennie Brand-Miller (Barclay & Brand-Miller, 2011). Alan was invited onto Network 7’s *Sunday Night* program to ‘tell his side of the story’, but in his words was interrogated for two hours with hot lights in his face. Barclay says he second-guesses offers of co-authoring papers and the experience has been distressing.

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or communication was less friendly than usual. For example, Jennie Brand-Miller talked about how she and her co-author both noticed a distinct frostiness from several of their co-workers once their paper questioning the relationship between sugar and obesity, ***The Australian Paradox*** was published. While these colleagues often denied they felt differently towards Brand-Miller and Barclay, **Brand-Miller** was unequivocal.

So, I mean, some of it I think is imagined, but there were definitely instances where colleagues were not supportive. And I knew that, when I spoke to them, I said ‘Is something wrong? I can detect the difference. And has it got something to do with The Australian Paradox?’ They’d say: ‘Oh no no no no no’.... So really, in some ways your colleagues really rub the salt into the wound, by taking that attitude... They really did make it worse because it was as if there—perhaps there was some element of truth in what [critic] was saying. And for them to think that, I know it wasn’t imagined.

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participants responded to my initial request, one participant, Alan Barclay, had this to say.

Well we've all been, I suspect trapped... I was asked to appear on Channel 7's *Sunday Night* program and of course promised it would be, you know an open discussion. But I was basically strapped in a chair with a headlight in my eyes for nearly two hours. And treated to a barrage of questions.... And believe me—it was a form of torture. There were cameras in both directions, one behind me and one in front of me, under a hot, bright light, so any movement I did or anything I said was picked up and if I got up and left I knew that would have been shown. So it was a really, really unpleasant experience. I'm sure others have been put in similar situations so, you know it's not something to be taken lightly. These people are nasty... They just want to get you to say what they want you to say.

This statement from Barclay is telling of the embodied experience of 'research trauma' to which I was seen as or coded appropriately sensitive and receptive. His experience has taught him to be wary of anyone requesting to discuss his research and the backlash it drew. That he acknowledged how dangerous it is to take any requests for an interview illustrates why it was so vital for my pursuit of this research to be perceived as trustworthy. His colleague and another participant, Jennie Brand-Miller, was extremely reluctant to speak to me. She said she'd have to think about it carefully. Even after she'd cautiously agreed, she sent me a newspaper article by Christopher Snowden that defended her and Barclay, wanting to ensure I was familiar with her side of the story before we spoke (Snowdon, 2014). In the opening ten or fifteen minutes of the interview, her answers were brief and matter-of-fact. It was clear she didn't feel comfortable giving more detailed, open responses. I told her that I understood how hard it was; that I had experienced something similar. The change in her voice and depth of responses was unmistakable. She could trust me. She could let her guard down. The data elicited from her interview was among the richest and most critical I collected. She became a key informant. Her ability to articulate the lasting effects of the backlash against her and Barclay was pivotal. What she went through—the sustained harassment, the calls from journalists that still haven't let up, the several-years long research misconduct inquiry that revealed nothing more than a few semantic errors—haunts her to this day. She says it has forever altered the way she thinks about her career and her worth. She had this to say:

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I also think that it's really a sad way to end your career. Because that's where I am at the moment, I'm transitioning to retirement. And without [what happened], you know, I think, I would have finished my career with a lovely sense of achievement. But because of [it], you know, there's a feeling, that a few people, at least, might think the worst of me... So I still walk around thinking, 'Oh perhaps that person doesn't want to talk to me because they've heard about this inquiry into research misconduct.'

upon academics are surprisingly common. I also realised my experience was mild compared with others'. The cases I found in my initial research involved termination, research misconduct enquiries and sustained harassment in blogs and over social media, sometimes for months or years. I began to wonder why some individuals and groups were compelled to attacks research and researchers in these ways. What was driving these responses, when the academics involved *should* be afforded their right to academic freedom? My preliminary research yielded a list of names—academics or researchers who had received some form of backlash for their work in pursuing a particular line of enquiry. As I clarified in the introduction, **it was important to set very clear parameters about what this research was not about. Issues around research misconduct or fraudulent research were not within the scope of this thesis.** This research is focused very narrowly—how can we understand attacks on research when they seem to be **based on a moral objection, rather than research that is invalid or deficient in some demonstrable way?** What do these responses tell us about academic freedom, and the questions we can ask?

Public health as contested field

So these were the questions that brought me to this problem. And it is only my experience of this phenomenon firsthand that gave me a sense of the fields subject to these kinds of attacks—namely those that overlapped with or threatened a normative public health position. From my experience in the wind farm space, it seemed that health had become a dominant lens through which research and public policy is examined and dictated. Any risk to health takes on special importance, as health is highly personal, as well as being both political and public. The participants I chose to interview came from a range of fields related to public health and encountered varying degrees of backlash against their work. When deciding whom to contact for an interview, I had a loose criterion—they needed to be an academic or researcher who had encountered what seemed to be an unexpected or disproportionate response to their work that limited what they were able to achieve in that space. Identifying that limits had been placed on their ability to pursue a particular line of enquiry was important. Negative response to my research had a demonstrable impact on my ability to carry out research and provide an original contribution to knowledge in the wind farm and health field. If other researchers are unable to ask questions or publish

encourage them to only respond in peer-reviewed journals and **not descend to their attackers' level**. Some participants felt this would be futile, as their reputation was being publicly slandered and it is unlikely that a mass audience would see their defence in a journal. One participant, Jennie Brand-Miller felt that her hands were tied. While the individual instigating the attacks against her gave numerous interviews to *ABC News* journalists, **Brand-Miller's boss** was telling her to decline comment and only respond in journals.

There's definitely this element that we should all be in agreement and in fact the universities, their advice to me was: 'Keep this argument in the scientific literature, keep it out of the press.'

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Another participant affected by this behaviour is Jennie Brand-Miller. Brand-Miller received unrelenting inquiries from **journalists** following the outcome of the research misconduct investigation, demanding to know when her and Alan Barclay will publish an **updated version of *The Australian Paradox***. These persistent demands mean she

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must focus on this update of the paper instead of the numerous other projects she is working on.

So these **ABC journalists** have really made things a lot worse. And **one in particular**, the one that you're probably aware that there was a one hour program about it on ABC radio? Well she has continued to write to the University's Office of Research Integrity asking '**Why hasn't this paper been published?**' So it comes back to bite me again and again, I can't really do what I'd like to do. I know now I have to, before the end of the year I have to have written that paper and submitted it somewhere. So that's a shame, it means that other papers that should be written will be pushed back.

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So what drives attacks on research when no substantive misconduct or wrongdoing is present? A visceral, knee-jerk response. One aimed at shutting down lines of enquiry,

exposing the fragility of the academic freedom ideal. My participants' stories demonstrate that when academic work crosses boundaries, individuals or groups will wield whatever power at their disposal to shut down the offender. **There is no attempt to engage critically or review the work in question.** It is simply to silence, to stop, to shut down.

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For several years, journalists were keen to know why Professor Brand-Miller and Dr Barclay had not responded to the main recommendation of the 2014 integrity Inquiry: *Paradox* paper be rewritten to “specifically address” the “key factual issues”, including flat-lining fake data. And why, Brand-Miller and Barclay have been sneakily pretending they were asked for “an update”!

In March 2017, Charles Perkins Centre’s Faculty published a new paper that pretends there’s never been a problem with fake data. Professors Stephen Simpson and Stewart Truswell (main scientific author of our *Australian Dietary Guidelines*) now have their names on this epic fraud!

In July 2014, research-integrity investigator Professor Robert Clark AO advised:

I have, however, identified a number of 'lessons learnt' from this case and I recommend that these be considered by the University and discussed with Professor Brand-Miller and Dr Barclay at Faculty level. In particular, I recommend that the University consider requiring Professor Brand-Miller and Dr Barclay to prepare a paper for publication, in consultation with the Faculty, that specifically addresses and clarifies the key factual issues examined in this inquiry. This new paper should be written in a constructive manner that respects issues relating to the data in the Australian Paradox paper raised by the Complainant.

p. 4 <http://www.australianparadox.com/pdf/australian-paradox-report-redacted.pdf>

In March 2017, the authors published a different paper, again featuring fake data:

AJCN. First published ahead of print March 8, 2017 as doi: 10.3945/ajcn.116.145318.



Declining consumption of added sugars and sugar-sweetened beverages in Australia: a challenge for obesity prevention^{1,2}

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We thank Gina Levy and Bill Shrapnel for making the raw data from their earlier study available (27). We thank Alistair Senior, who gave statistical advice, and Anna Rangan, Jimmy Louie, Stephen Simpson, and Stewart Truswell, who gave constructive comments on the draft manuscript.

The authors' responsibilities were as follows—JCB-M: had primary responsibility for the final content of the manuscript; and both authors: designed and conducted the research, analyzed the data, performed the statistical analysis, wrote the manuscript, and read and approved the final manuscript. JCB-M is President of the Glycemic Index Foundation and manages a food-testing service at the University of Sydney. JCB-M and AWB are co-authors of books about the glycemic index of foods. AWB is a consultant to the Glycemic Index Foundation and Merisant (Australasia) and is a member of the Scientific Advisory Boards of Roche and Nestle (Australasia). AWB received an honorarium from Coca-Cola Ltd. for a presentation in 2011. JCB-M reported no conflicts of interest related to the study.

<http://www.australianparadox.com/pdf/USyd-March-2017.pdf>

Sydney University

The University of Sydney's policy espouses commitment to the highest ideals of freedom, and the importance of knowledge for its own sake.

The University of Sydney declares its commitment to free enquiry as necessary to the conduct of a democratic society and to the quest for intellectual, moral and material advance in the human condition. The University of Sydney affirms its institutional right and responsibility, and the rights and responsibilities of each of its individual scholars, to pursue knowledge for its own sake, wherever the pursuit might lead. The University further supports the **responsible transmission** of that knowledge so gained, openly within the academy and into the community at large, in conformity with the law and the policies and obligations of the University. The University of Sydney, consistent with the principles enunciated in its mission and policies, undertakes to promote and support: the free, and **responsible pursuit of knowledge** through research in accordance with the **highest ethical, professional** and legal **standards** the dissemination of the outcomes of research, in teaching, as publications and creative works, and in media discourse principled and **informed discussion of all aspects** of knowledge and culture.

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I draw attention to the explicit mention of 'the rights and responsibilities of each of its individual scholars, to pursue knowledge for its own sake, wherever the pursuit might lead.' Note how this policy echoes excerpts from Katherine Flegal and Helen Keane's interviews in the *patterns of silencing behaviour* chapter regarding the balance between pure and applied research. The University of Sydney seems to be making a **theoretical commitment** to pure or basic research here. They are making it clear they do not expect their academics to only do applied research, or research that serves the university. Implicit in this is the right for Sydney University academics to pursue research, regardless of the findings. That scholarship for its own sake is worthy, and will be protected by the university. The experience of Jennie Brand-Miller and Alan Barclay **undermines** this commitment. **Brand-Miller was particularly disappointed with the lack of protection and support offered by University of Sydney administration and their willingness to give in to demands from her and Barclay's primary detractor.** !

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Conflict of interest allegations refer to participants who were accused of representing or being funded by vested interests. As indicated by Table 1 and Figure 1, this was one of the most common responses experienced by participants. It is one of the first claims made by research opponents, as it seemingly requires less evidence than other allegations. Many participants said the mere suggestion they were funded by an interest they hadn't disclosed called both the validity of the study and their integrity into serious doubt. **Jennie Brand-Miller and Alan Barclay** were accused of being paid by the soft

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drink or sugar industry to produce *The Australian Paradox*. As indicated earlier, Brand-Miller believes being limited in the ways she could respond to their **primary antagonist's accusations** meant these claims persisted much longer than was necessary.

But I think it would have been useful I think to sit down with [critic], perhaps with a mediator and just explain where we were coming from. Because I think he was quite convinced that I had a **conflict of interest**—that I was somehow being paid out by the sugar industry—that in some way there was some financial incentive for me to take this point of view. **And I think he was probably surprised to find out in the end that there was absolutely nothing.**

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Jennie Brand-Miller **believes** she and Alan Barclay were primarily attacked for putting forward an **unorthodox view**. Initially, Brand-Miller accepted the backlash as just part of science—those putting forward a view that contradicts the status quo will be challenged.

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I also think that there is this phenomenon that is human, that if you're going to push the envelope on any subject, if you're going to come out with something that's right from left field, that you're going to be challenged, you're going to be questioned, **simply because you're challenging the status quo.**

She expected to encounter some backlash, but not a sustained campaign that lasted several years and culminated in a research misconduct inquiry. Brand-Miller says the narrative around sugar and its link to obesity is so obvious that, for many, it cannot be challenged. Brand-Miller argues that others in the nutrition space take such a link for granted and any dissent will be punished.

These days, I think the **sugar-sweetened soft drink story** is, it's... fundamental now that sugar-sweetened soft drinks have definitely played a role in making adults and children fat, that that's definitely proven. When it's far from proven... I've just got so many colleagues who are adamant that sugar-sweetened soft drinks are a threat to public health... that there is this element of toxicity—and I'm just incredulous... [but] I think I'm more reluctant and more of a coward now about speaking out, speaking a different point of view to the majority of my colleagues.

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One participant, Alan Barclay, believes *The Australian Paradox* was attacked because members of the public who **didn't grasp the finer points of nutrition** had overreacted based on misinformed conclusions.

Well **it was meant for health professionals**, because it's a journal article. I mean it wasn't a book for consumers, it was written for a very specific audience. It was in a journal called *Nutrients* and one assumes the readers are those who understand the data, its strengths and weaknesses and therefore you don't have to explain everything in great detail, but unfortunately consumers have got hold of it, **don't understand the data** and have jumped to some totally ridiculous conclusions shall we say?

Barclay argues that for a paper he was only tangentially involved with, it has taken up a disproportionate amount of his time and energy. He believes this is because he and Brand-Miller are dealing with someone with too much time and money on his hands.

[This] guy is, well, fanatical, I suppose is the only way to describe it. From what we can gather, a multi-millionaire who only works part-time and spends most of his time obsessing over it... So to me it was a minor paper, which I happened to be **slightly involved with but not greatly**. So it's been blown greatly out of proportion and then having to try and rebut to a consumer who doesn't really understand... I think there is very much a sugar hysteria at the moment and it's easy to get swept up in that. So I think some people did, shall we say, **believe the economist rather than the people that actually know the science**, which is kind of sad from a professional perspective.

While the role of misinformation or misunderstanding is questionable, it is worth noting Barclay's description of his opponent as a 'fanatic' who is 'obsessing'. This suggests that people who attack science are not necessarily misinformed, but rather that they are highly motivated to disagree with the findings. **I did not interview the individual who pursued an inquiry against Barclay and Brand-Miller, and it is beyond the scope of this thesis to assess or make judgements about his motivations.** However, his initial email to Brand-Miller was a long and detailed document citing studies that disputed Brand-Miller and Barclay's findings. This does not seem like the actions of someone ill informed or poorly educated, but rather someone motivated by existing values or worldview, who feels compelled to defend this worldview with evidence. This would reflect the findings from both Kahan and Kahneman that it is not a lack of information or 'facts' but rather that how we order and make sense of information is determined by our values, experiences and worldview (Kahan et al., 2010; Kahneman, 2011). It is important to emphasise that, particularly in Flegal's case, it was fellow researchers engaging in the most vitriolic attacks she experienced. The participants who faced backlash from members of the public, or non-experts often pointed to this **ignorance or lack of expertise as a factor**. For instance, Michael Kasumovic, Alan Barclay and Jennie Brand-Miller all suggest their detractors were **lacking some kind of scientific understanding, which meant they were unable to deal with the research in a 'rational' manner**. Contrary to this belief, the majority of silencing behaviours my participants experienced were instigated by fellow researchers, sometimes even colleagues. These are not lay people, ignorant of the subject matter. Rather, many of my participants were attacked by fellow academics in similar or overlapping research fields. This would suggest **academics and laypeople share this impulse to silence research that 'crosses the line'**. It suggests that no matter if you are trained in the scientific method or not, the response to ideas deemed 'bad' or 'dangerous' is the same—suppression and silencing.

'Legitimate' limits to academic freedom

This section looks at established, 'legitimate' limits to academic freedom. These caveats to unfettered enquiry are typically talked about in academic freedom policies as 'norms and standards of scholastic inquiry' (NTEU, 2008). For the purposes of this review, these norms and standards can be considered congruent with references to 'responsibility' in the university policies cited above. These norms include peer review, funding application processes, ethical protocols and departmental oversight, among others. It is necessary to acknowledge these caveats for a few reasons. First, it's important to reiterate what this thesis is *not* doing. **It is not within the scope of this thesis to discuss academic work that has been rejected, dismissed or denounced because it failed to obtain ethics approval, funding or pass peer review on the basis of misconduct, fraud or flawed research design and execution.** In my recruitment and data collection, I have deliberately tried to **exclude** any cases where there was **demonstrable misconduct or wrongdoing**. To the best of my knowledge, none of my participants' cases involved **fraud, misrepresentation or dishonesty**. This thesis is not about academics who **fabricated data**, such as Diederik Stapel, or breached their university's behavioural **code of conduct**. While I discussed *structural limitations* in Chapter 3, such as biased journal peer review described by Kirsten Bell; and restrictive funding priorities explored by Wayne Hall and Helen Keane, this was clearly contextualised and specific to the case at hand.

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visceral reaction. This reinforces analysis of my own dataset in the previous results chapters. While it was beyond the scope of my research to prove the **validity** or not of my participants' research, accusations of wrongdoing were largely unsubstantiated. The attacks on their work seemed to be based on a moral objection to a 'bad' or 'dangerous' idea, **rather than demonstrable misconduct**. Third, her own experience with censorship highlights that whether or not a university chooses to defend its academics is largely contingent on whether or not it benefits their reputation. This reflects my own assessment of the inadequacy of written policies in protecting academic freedom, as well as **bolstering the accounts offered by Brand-Miller, Enstrom and Frijters—that protecting their right to academic freedom was secondary to their university's reputation and financial interests.** !

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This thesis concludes that individual academics need to recognise that although they may **satisfy scholarly requirements**, their work may still cross a boundary and as such provoke research silencing. Calls to defend academic freedom in light of attacks on academic work mean nothing when our understanding of 'academic freedom' itself is so lacking.

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Conclusion

This thesis has challenged the notion of academic freedom as we know it. I have argued that attempts to silence research are based on a visceral, impulsive response to morally unacceptable ideas, which expose unspoken boundaries to the lines of enquiry academics are 'allowed' to pursue. When these invisible boundaries are crossed, those with academic capital will act to reinforce and defend boundaries, and penalise those who cross them. I have argued that as described by my participants, opponents of research tend to react to ideas they find morally reprehensible in similar ways to physical disgust—a visceral response to ideas deemed 'unacceptable'—by employing silencing behaviours. **Though opponents of research may use scientific-sounding critiques or arguments, underlying this is 'I don't like what you're saying and you need to shut up.'** Academic freedom, as we like to imagine it, does not exist. **In university policies, it is an idealistic, yet hollow commitment to an antiquated ideal of academia that is not reflected in the lived experiences of suppressed and silenced participants.** The reason we believe in this ideal is that most academics will not cross boundaries, so they never need to test whether academic freedom lives up to their own conception of it. Only when academics cross these boundaries do they realise they were there.

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Again, this July 2017 ANU PhD thesis is reproduced almost in full, from p. 7 of <http://www.australianparadox.com/pdf/Response-to-ANU-PhD-on-Research-Silencing-BW.pdf>

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Here's me, Emma Alberici and ABC TV's *Lateline* on the University of Sydney's *Australian Paradox* scandal <http://www.abc.net.au/lateline/content/2015/s4442720.htm>

Want to stop trends in your family and friends towards obesity, type 2 diabetes, heart disease and various cancers? Stop eating and drinking sugar: <http://www.youtube.com/watch?v=xDaYa0AB8TQ&feature=youtu.be>

Here's the diet advised by Dr Peter Brukner, recently the Australian cricket team's doctor: <http://www.peterbrukner.com/wp-content/uploads/2014/08/All-you-need-to-know-about-LCHF1.pdf> ; <http://www.abc.net.au/catalyst/lowcarb/>

A life in our times: Vale Alexander "Sandy" Robertson (1933-2015): <http://www.australianparadox.com/pdf/AlecRobertson-born2oct33.pdf>

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