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Patrick Farrell, Provost and Vice Chancellor for Academic Affairs
University of Wisconsin-Madison
150 Bascom Hall
500 Lincoln Drive
Madison, WI 53706

Dear Provost Farrell:

I am writing to file a formal complaint under Faculty Policies and Procedures (FPP) 8.02 (May 2005) against Professor Joseph Kemnitz, director of the Wisconsin National Primate Research Center (WNPRC).

Recent statements made by Mr. Kemnitz regarding the disposition of the Henry Vilas Zoo monkeys seem to be completely contradictory to written statements made by University of Wisconsin-Madison officials in 1997 and later. As such, Mr. Kemnitz has violated his responsibilities, as stated in FPP 8.02, to both the public and the University of Wisconsin system.

Background

The Vilas Zoo monkeys, owned by the University of Wisconsin, were housed at the Vilas Zoo between 1964 and 1997. The monkeys' transfer to various institutions out of state was the source of much controversy in the late 1990s. At that time, several official statements were given to the community by the University regarding the studies that were to be performed on the monkeys while at the Vilas Zoo and after their transfer.

According to an August 13, 1997 statement made by UW-Madison Graduate School Dean Virginia S. Hinshaw (see attachment #1), the University and the Zoo had entered into an agreement in 1989 that stated that "no invasive studies were to be performed on animals housed at the zoo." In her 1997 statement, Dean Hinshaw further stated that "no monkeys housed in the Vilas facility will be assigned to invasive research projects. No such assignments have been made in 1997, and none will be made in the future..."

An additional press release from UW-Madison dated November 19, 1997 stated that the National Institutes of Health (NIH) had withdrawn its funding for the Vilas Zoo monkey colony (see attachment #2). The funding was no longer justified, according to the press release, because an Oct. 30 letter from NIH stated that there was an "insufficient level of funded research being done at the facility."

In explaining the NIH decision, Dean Hinshaw stated, "The NIH's primary role is to fund research to solve human health problems, so it is understandable the agency would feel the colony is no longer its responsibility. Its support does not extend to funding zoo exhibits."

As a result of the funding withdrawal, Dean Hinshaw commented that the UW-Madison was "in a very difficult position...the change in funding means that we have to work rapidly to find options for the colony."

Mr. Kemnitz himself, interim director of the WNPRC at the time, discussed the 1989 agreement, as reported in several newspaper articles from 1997. A quote from a September 18, 1997 article in The Capital Times (see attachment #3) discussing the breach of the agreement shows that Kemnitz was fully aware of its existence:

In a written statement released Tuesday, Joe Kemnitz, interim director of the university's Wisconsin Regional Primate Research Center, admitted that at least one animal has been used in invasive studies since he took over the helm of the primate center in August 1996. The monkey had a fetus removed from her womb 20 days after conception so scientists could study it.

"This assignment and procedure were made by error and not as an intentional exception to the agreement," Kemnitz wrote. "I am chagrined that this oversight occurred."

Mr. Kemnitz further stated, as reported in the same article:

Kemnitz wrote to newspapers last weekend to say that no improper assignments had been made under his leadership.

He wrote: "I deeply regret this breach of trust between the primate center and the zoo's administration, as well as the public. Importantly, none of our current staff intentionally violated the agreement. Furthermore, no exceptions to the agreement have been made during my tenure as interim director, which began one year ago."

Mr. Kemnitz's statements in March, 2008

Mr. Kemnitz, as director of the WNPRC, was interviewed by the Badger Herald for a March 7, 2008 article regarding the 10-year anniversary of the disposition of the Vilas monkeys. In responding to comments made by a local activist about the 1989 agreement, Mr. Kemnitz stated, as reported in the article (see attachment #4):

UW Primate Center director Joe Kemnitz said UW never entered into an agreement like that because it would not make sense. "It's a biomedical research facility," Kemnitz said. "We are using taxpayers' money to research on animals to improve human health."

Mr. Kemnitz's comments in the Badger Herald article seem to be an outright lie, as shown by the official statements released by the UW-Madison in 1997 and Mr. Kemnitz's own statements in 1997. Because there has been no retraction made by Mr. Kemnitz, it can be assumed that the reporter's remarks were not taken out of context.

Faculty Policies and Procedures (FPP) Section 8.02

Section 8.02(A), entitled "Faculty Duties and Responsibilities," of the Faculty Policy and Procedures states in relevant part:

A. FUNDAMENTAL RESPONSIBILITIES. The university faculty are responsible for teaching, research or other scholarly activity appropriate to the discipline, and public service. *Furthermore, every faculty member has an obligation to maintain professional honesty and integrity, to seek knowledge and to share that knowledge freely with others.* (emphasis added)

Mr. Kemnitz's statements in March, 2008 are a clear violation of this section because they are untrue. Because Mr. Kemnitz's responsibility to maintain professional honesty and integrity was not carried out as required under FPP 8.02(A), the provisions of FPP Chapter 9, DISCIPLINE AND DISMISSAL OF FACULTY FOR CAUSE, apply. I request that you take appropriate action under Chapter 9 to ensure that this does not happen again.

Thank you for your time and attention to this matter. Please forward copies of all reports from the investigation of this complaint and, after investigation, your proposal for resolution.

Sincerely,

ANIMAL LAW ASSOCIATES OF WISCONSIN, LLC

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