MEMORANDUM

June 20, 2019

TO: Members of the Board of Trustees

FROM: Kristina M. Johnson, Chancellor

SUBJECT: Revocation of Honorary Degree Awarded to John N. Kapoor

Action Requested

The proposed resolution authorizes the revocation of the Honorary Doctorate of Science degree awarded to John Kapoor by the State University of New York.

Resolution

I recommend that the Board of Trustees adopt the following resolution:

Whereas John N. Kapoor was awarded an Honorary Doctorate of Science degree in 2000 from the State University of New York, through the State University of New York at Buffalo; and

Whereas a SUNY honorary degree is intended to recognize persons whose lives and significant achievements serve as examples of a campus community’s aspirations for its student body and elevate the reputation of the State University of New York; and

Whereas on May 2, 2019, a federal court jury in Boston, Massachusetts determined that Mr. Kapoor had engaged in a racketeering conspiracy to profit by using bribes and fraud to facilitate the illicit distribution of a fentanyl-based pain medication known as Subsys, manufactured and sold by Insys Therapeutics Inc., a company founded by Mr. Kapoor and run by him in his capacity as CEO and Executive Chairman of the Board; and

Whereas Subsys was approved by the FDA to treat cancer patients suffering from intense episodes of breakthrough pain, but through the scheme devised by Mr. Kapoor and his codefendants, medical practitioners were encouraged to write prescriptions for large numbers of patients, most of whom had not been diagnosed with cancer; and
Whereas fentanyl is one of the most potent opioids available for human use, and poses a significant risk of misuse, abuse and addiction; and

Whereas Mr. Kapoor’s criminal conduct was designed to enrich himself at the expense of the patients who were needlessly exposed to the risks of fentanyl at a time when the opioid crisis is killing more than 130 people per day in the United States; and

Whereas Mr. Kapoor’s criminal conduct offends human decency, violates the core principles upon which the University was founded and runs counter to the standards of mutual respect and professionalism that the University expects from all members of its community; and

Whereas the University’s policy for the Awarding of Honorary Degrees provides that the Board of Trustees may revoke an honorary degree if, in its judgment, the recipient’s conduct is inconsistent with the mission and/or values of the University, undermines the accomplishments that were cited as the basis for awarding the honorary degree, or is injurious to the reputation of the University or any of its constituent campuses; and

Whereas had the University at Buffalo and the University-wide Honorary Degree Committee been aware of Mr. Kapoor’s criminal conduct at the time it reviewed his candidacy, they would not have recommended that he be awarded an honorary degree as such conduct and alleged misconduct violates the principles on which an honorary degree is based; and

Whereas the University at Buffalo Honorary Degree Committee (May 10, 2019), the University at Buffalo President (May 13, 2019), and the University-wide Honorary Degree Committee (June 5, 2019) have all considered the matter and recommended revocation of Mr. Kapoor’s honorary degree; now, therefore, be it

Resolved that in accordance with the Policy for the Awarding of Honorary Degrees, Mr. Kapoor’s Honorary Doctorate of Science degree is hereby revoked on the basis that his criminal conduct is wholly inconsistent with the mission and values of the State University of New York, undermines the accomplishments that were cited as the basis for awarding the honorary degree and is injurious to the reputation of the State University of New York.
Background

The authority to revoke a previously awarded honorary degree rests with the Board of Trustees. The Board of Trustees may revoke an honorary degree if, in its judgment, the recipient of the degree has engaged in conduct that: 1) is inconsistent with the mission and/or values of the State University of New York; 2) undermines the accomplishments that were cited as the basis for awarding the honorary degree; or 3) is injurious to the reputation of the State University of New York or any of its constituent campuses. The Board of Trustees’ revocation of an honorary degree must be supported by the Chancellor’s recommendation, made after an evaluation of the necessity for such action using the same procedures articulated in the policy for the selection and nomination of an honorary degree recipient, and subsequent to a recommendation by the campus president who recommended the initial award. As part of that process, the University at Buffalo convened a committee to review this matter which recommended the revocation of Mr. Kapoor’s degree. The University-wide Honorary Degree Committee reviewed this matter and also recommended revocation.