

## Statement By Chancellor Phil DiStefano - March 24, 2005

I appreciate your joining us for what is an important moment in the University's history. Over the past two months, CU has been the focal point of intense public debate triggered by an incendiary essay written by Professor Ward Churchill. Like many people in Colorado and around the country, I personally found the essay to be profoundly repugnant and hurtful to everyone touched by the tragedy of September 11, 2001.

Debate on this issue has centered around some of our most fundamental principles — freedom of expression, professional integrity, academic freedom, intellectual honesty – all against the backdrop of one of the most horrific events in American history. It often has been said that a university is a marketplace of ideas – a place where controversy is no stranger and opinionated discourse is applauded. Indeed, one of our most cherished principles is academic freedom – the right to pursue and disseminate knowledge without threat of sanction.

But, as is true with all liberties enjoyed by all Americans, with freedom comes responsibility. Appropriately, we in academe are held to high standards of integrity, competence and accuracy, at the same time that we freely engage in spirited, unimpeded discourse in the “marketplace of ideas.”

Universities also are places that honor deliberation and process – and we at CU responded accordingly to the firestorm of public opinion sparked by Professor Churchill's essay.

Seven weeks ago, we began a review of allegations concerning the scholarship and conduct of Professor Churchill. I have been assisted in this task by Dean Todd Gleeson and Dean David Getches – and I wish to thank them for their efforts to ensure a fair and thorough review. The three of us made every effort to approach this work with an open mind and full awareness of the importance of due process.

Now, we have completed our review and wish to share its results with you, the general public, and our faculty, staff and students. At this time, I'd like to provide a summary of our report.

First of all, a few words of background information...As I announced on Feb. 3, 2005, we undertook this examination as a preliminary review to determine whether further actions were warranted.

In conducting our review, we initially focused on allegations about Professor Churchill's conduct, speeches and writings. During the course of the review, we received additional allegations, primarily

in the area of potential research misconduct. We reviewed many of his writings, speeches, tape recordings and other works – meeting several times and jointly drafting our report.

We sought to answer two primary questions raised in various allegations. First, did certain statements by Professor Churchill exceed the boundaries of protected speech? Second, is there evidence that Professor Churchill engaged in other conduct that warrants further action by the University — such as research misconduct, teaching misconduct, or fraudulent misrepresentation in performing his duties?

For guidance, we studied the Laws of the Regents; we researched the historic principles of free speech and academic freedom; and we assembled and studied upwards of 100 works by Professor Churchill and reviews of his work.

The process was both laborious and methodical, but we remained constantly aware of the gravity of our task and the importance of its outcomes.

Here are our key findings, based on our review of the allegations and the materials available to us:

- Many Americans were outraged and angered by Professor Churchill's most egregious statements relating to victims of the 9/11 terrorist attacks. Nonetheless, as strongly as we may reject the substance of those remarks, we must consider any action against Professor Churchill in the context of well-established University disciplinary processes and the protections of the First Amendment and academic freedom. Thus, in our review, we have found that the content and rhetoric of Professor Churchill's essay on 9/11 are protected by the First Amendment. While there are limits to the protections afforded by the Constitution, our review has determined that those limits have not been exceeded in Professor Churchill's case.
- As a scholar, Professor Churchill has a prolific record of publications, public speeches and statements. However, allegations of research misconduct also have been made, including plagiarism, fabrication, and misuse of others' work. As a university, we are obligated to fully investigate such allegations, regardless of when or how they emerge.
- At the level of preliminary review just concluded, our responsibility was to determine whether these allegations of research misconduct are frivolous or not. If they are not found to be frivolous, they are to be referred to the Standing Committee on Research Misconduct for further investigation. In the course of this review, we have determined that the allegations regarding research misconduct warrant referral to the Standing Committee.
- Questions have been raised about Professor Churchill's possible

misrepresentation of his ethnicity in order to gain employment advantage or to gain credibility and audience for his scholarship. In 1994, questions related to employment advantage were reviewed, resulting in a finding of no action warranted. However, in regard to the allegation of misrepresentation of ethnicity to gain credibility and an audience for scholarship, we believe such misrepresentation may constitute research misconduct and failure to meet standards of professional integrity.

- As noted in our report, other allegations received in the course of our examination were either found to be outside the scope of our work or we concluded that no further action was warranted.

**In light of our findings, I have decided the following:**

- We have concluded that the allegations of research misconduct, related to plagiarism, misuse of other's work and fabrication, have sufficient merit to warrant further inquiry.

- Under the Laws of the Regents, investigation of research misconduct allegations is a function assigned to the faculty. Therefore, I have decided to refer such allegations to the Boulder campus Standing Committee on Research Misconduct for further investigation, according to established procedures.

- The Standing Committee also will be asked to inquire into whether Professor Churchill committed research misconduct by misrepresenting himself as an American Indian to gain credibility and authority for his work.

- The Standing Committee will report its findings to the Vice Chancellor for Academic Affairs, who will make a recommendation to the Chancellor. The Chancellor will determine whether any research misconduct found by the committee falls below minimum standards of professional integrity and then initiate any further processes required to impose sanctions as appropriate.

Let me close by saying that the University of Colorado has received much media attention over the past 14 months. I encourage you all to not lose sight of the fact that CU is one of the nation's top public research and teaching institutions. It continues to do an excellent job of teaching, conducting research and providing service to our state and nation.

As this inquiry moves into the next very serious level of review by the Boulder campus Standing Committee on Research Misconduct, it would be unfair to Professor Churchill or the University for administrators, Regents or Standing Committee members to speculate about or comment on our deliberations or any possible outcomes. When this review has concluded, we look forward to a full and open discussion.

Now, I will be happy to answer as many questions as I can within the time available.