

Recommendation of Interim Chancellor Phil DiStefano with Regard to Investigation of Research Misconduct - June 26, 2006

Fifteen months ago, I met with you to discuss the findings of specific allegations concerning the scholarship and conduct of Professor Ward Churchill. My Committee sought to answer two primary questions raised in various allegations. First, did certain statements by Professor Churchill exceed the boundaries of protected speech? Second, was there evidence that Professor Churchill engaged in other conduct that warranted further action by the University—such as research misconduct, teaching misconduct, or fraudulent misrepresentation in performing his duties?

The key findings of this review were the following:

- The content and rhetoric of Professor Churchill's essay on 9/11 and other works that we examined were protected by the First Amendment.
- Allegations regarding research misconduct, including plagiarism, fabrication and misuse of others' work, had sufficient merit to warrant further inquiry, and they were referred to the Standing Committee on Research Misconduct.
- Questions raised about Professor Churchill's possible misrepresentation of his ethnicity in order to gain employment advantage were reviewed, resulting in a finding of no action warranted. However, questions raised in regard to the allegation of misrepresentation of ethnicity to gain credibility and an audience for scholarship were also reviewed, and the Committee felt that such misrepresentation might constitute research misconduct and failure to meet the standards of professional integrity.

Nine allegations of research misconduct were sent to the Standing Committee on Research Misconduct. The nine allegations were reviewed by an Inquiry Subcommittee, which dismissed two of the allegations because they did not fall within the definition of research misconduct. The Inquiry Committee referred the remaining seven allegations to an Investigative Committee to explore them in more detail.

Membership of the Investigative Committee included three distinguished professors from the Boulder campus and two distinguished professors from other universities. I want to publicly thank these outstanding faculty members for their time and commitment to this difficult and onerous task. The investigative

Committee concluded that Professor Churchill committed research misconduct. You all have seen a copy of that previous report and can refer to it for additional detail. It is also posted on our Web site. The Standing Committee on Research Misconduct accepted the Investigative Committee's report on May 15, 2006, and issued its report to the provost and dean of the College of Arts & Sciences on June 13, 2006. Both the Investigative Committee and the Standing Committee on Research Misconduct recommended sanctions ranging from suspension without pay to termination.

I have carefully reviewed the Report of the Investigative Committee, Professor Churchill's responses to the Committee, and the Recommendations of the Standing Committee on Research Misconduct. I have met with and obtained the separate input of Provost Susan Avery and Todd Gleeson, the Dean of the College of Arts & Sciences. I met with Professor Churchill and his attorney, David Lane. After conducting the due diligence I felt was necessary, I have come to a decision regarding the recommendations of the Standing Committee on Research Misconduct pertaining to Professor Ward Churchill. Today, I issued to Professor Churchill a notice of intent to dismiss him from his faculty position at the University of Colorado, Boulder. My issuance of this notice now triggers a process that is governed by Regents Law, Article 5.C.1 and 2 and Regents Policy 5-I.

Let me make two very important points. The first is about the integrity of the process that was used to investigate the allegations of research misconduct. Faculty members from this institution and others across the country enjoy the freedom of expression that is the foundation of what they do in their scholarly pursuits. 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 the academy are held to high standards of integrity, competence and accuracy, at the same time we freely engage in spirited, unimpeded discourse in the "marketplace of ideas." The faculty members on both Committees fully understood their duty to uphold the standards that allow them academic freedom and freedom of expression, and I applaud them for their work, their dedication, and their commitment.

Secondly, of great importance to me as chancellor is the suggestion that the University's ethnic studies department is in some way responsible for, or deficient, because of the investigation of research misconduct of one of its faculty members. This perception

is unfounded in fact, and it is a perception that the University will work to reverse in the coming months.

At no time during the work of the Inquiry and Investigative Subcommittees, or the Standing Committee on Research Misconduct, has the work of the other faculty members of the ethnic studies department been called into question. As stated in the Standing Committee's recommendation, "We have taken pains in this report to explain that the findings apply only to Professor Churchill, and should not be casually generalized to others in his department or field of study." Indeed, the proceedings of all the Committees have been focused on the research misconduct of one faculty member only.

The Standing Committee also made some recommendations with regard to the University's policies and procedures. We are following through on these specific recommendations.

Now, let me briefly explain the process as we go forward. Professor Churchill may request within 10 days to have President Brown or me forward this recommendation to the Faculty Senate Committee on Privilege and Tenure. If Professor Churchill does so, a special panel will then conduct hearings about this matter and make a recommendation to the president about whether the grounds for dismissal are supported. The handout you received outlines more detail about this process.