

# **Summary of Key Points of Report of the Investigative Committee of the Standing Committee on Research Misconduct at the University of Colorado at Boulder concerning Allegations of Academic Misconduct against Professor Ward Churchill**

**May 16, 2006**

The Committee was charged with investigating seven allegations:

- Allegation A: Misrepresentation of General Allotment Act of 1887
- Allegation B: Misrepresentation of the Indian Arts and Crafts Act of 1990
- Allegation C: Captain John Smith and smallpox in New England, 1614-1618
- Allegation D: Smallpox epidemic at Fort Clark and beyond, 1837-1840
- Allegation E: Plagiarism of a pamphlet by the Dam the Dams group
- Allegation F: Plagiarism of Professor Rebecca Robbins
- Allegation G: Plagiarism of Professor Fay G. Cohen

Based on its investigation of those allegations, the Committee unanimously found, by a preponderance of the evidence, that Professor Churchill committed several forms of academic misconduct as defined in the policy statements of the University of Colorado at Boulder and the University of Colorado system:

1. Falsification, as discussed in Allegations A, B, C, and D.
2. Fabrication, as discussed in Allegations C and D.
3. Plagiarism, as discussed in Allegations E and G.
4. Failure to comply with established standards regarding author names on publications, as discussed most fully in Allegation F but also in Allegations A, B, and D.
5. Serious deviation from accepted practices in reporting results from research, as discussed in Allegation D.

The Committee did not find fabrication in the first sub-question of Allegation D or plagiarism in Allegation F.

The Committee noted additionally that Professor Churchill was disrespectful of Indian oral traditions when dealing with the Mandan/Fort Clark smallpox epidemic of 1837, both in his essays and during the course of this investigation, as discussed in Allegation D.

The Committee found that Professor Churchill's misconduct was deliberate and not a matter of an occasional careless error. The Committee found that similar patterns recurred throughout the essays it examined. The Committee therefore concluded that the degree of his misconduct was serious, but differed on the sanction warranted. The Committee's report states as follows:

While we are unanimous in finding that Professor Churchill's research misconduct is serious and that we should express the degree of that seriousness through a recommendation about sanctions, our discussions have not led to unanimity about what particular sanctions are warranted. What follows, then, is the only portion of our report that presents multiple views.

- Two members of the Committee conclude and recommend that Professor Churchill should not be dismissed. They reach this conclusion because they do not think his conduct so serious as to satisfy the criteria for revocation of tenure and dismissal set forth in section 5.C.1 of the Law of the Regents, because they are troubled by the circumstances under which these allegations have been made, and because they believe that his dismissal would have an adverse effect on other scholars' ability to conduct their research with due freedom. These two members agree and recommend that the most appropriate sanction, following any required additional procedures as specified by the University's rules, is a suspension from University employment without pay for a term of two years.
- Three members of the Committee believe that Professor Churchill's research misconduct is so serious that it satisfies the criteria for revocation of tenure and dismissal specified in section 5.C.1 of the Laws of the Regents, and hence that revocation of tenure and dismissal, after completion of all appropriate procedures, is not an improper sanction. One of these members believes and recommends that dismissal is the most appropriate sanction; the other two believe and recommend that the most appropriate sanction is suspension from University employment without pay for a term of five years.

Finally, the Committee had the following comments about its report:

The Committee notes that the Laws of the Regents of the University of Colorado define "academic freedom" as "the freedom to inquire, discover, publish and teach truth as the faculty member sees it, subject to no control or authority save the control and authority of the rational methods by which truth is established." We understand and were careful to distinguish "misconduct in research," which is addressed by the University of Colorado's Administrative Policy Statement on Misconduct in Research and Authorship, from the issue of "truth" addressed by the Regents' Laws' definition of academic freedom. The Committee observes also that the allegations we were asked to investigate were initiated in the wake of

the public outcry concerning some highly controversial essays by Professor Churchill dealing with, among other things, the 9/11 tragedy. While not endorsing either the tone or the contents of those essays, the Committee reaffirms, as the University has already acknowledged, that Professor Churchill's right to publish his views was protected by both the First and Fourteenth Amendment guarantees of free speech. Although those essays played no part in our deliberations, the Committee expresses its concern regarding the timing and perhaps the motives for the University's decision to forward charges made in that context. We point out finally that when Professor Churchill was hired as an Associate Professor with tenure in 1991 and promoted to (full) Professor in 1997, the University knew that he did not have a Ph.D. or law degree, as commonly expected for faculty at this institution, and was aware that he was a controversial public intellectual.

Voting Members of the Committee:

Chair: Marianne Wesson, Professor of Law, Wolf-Nichol Fellow, and President's Teaching Scholar, University of Colorado at Boulder

Robert N. Clinton, Foundation Professor of Law, Sandra Day O'Connor College of Law, Arizona State University

José E. Limón, Director, Center for Mexican-American Studies and Mody C. Boatright Regents Professor of American and English Literature, University of Texas at Austin

Marjorie K. McIntosh, Distinguished Professor of History, University of Colorado at Boulder

Michael L. Radelet, Professor and Chair, Department of Sociology, University of Colorado at Boulder