

CONFIDENTIAL MEMORANDUM

To: The President and Fellows of Harvard College

From: The Hearing Committee

Date: January 24, 2025

Subject: Third Statute Proceeding Against Professor Francesca Gino of the Harvard Business School – Findings of Facts and Recommendations

This Hearing Committee was convened to address a complaint against Professor Francesca Gino of the Harvard Business School under the Third Statute of the University Statutes. The Third Statute states: “All Officers who hold teaching appointments, as defined from time to time by the Corporation with the consent of the Overseers, are subject to removal from such appointments by the Corporation only for grave misconduct or neglect of duty.” The complaint against Professor Gino alleges that she engaged in grave misconduct or neglect of duty by committing research misconduct across four studies spanning ten years of her career.

Consistent with our charge and the rules governing Third Statute proceedings, we conducted hearings and now make findings of fact and recommendations to the President and Fellows of Harvard College. Together with this memorandum, we provide the hearing record, including the exhibits and written testimony submitted by the parties as well as the hearing transcripts. We also provide the slides and demonstratives referenced in the hearing transcripts, which are not evidence but may help provide the President and Fellows with the fullest possible appreciation of the issues as they review the transcripts.

With full appreciation of the consequences for all parties involved, and with profound sadness about the circumstances that brought us to this day, we determine that the complainant has carried the burden to prove by clear and convincing evidence that Professor Gino committed research misconduct in connection with each of the four studies at issue in the Third Statute complaint, constituting grave misconduct or neglect of duty, and we recommend removal from her teaching appointment as a tenured professor of Harvard University.

Background and Hearing

This Third Statute proceeding follows an inquiry and investigation at Harvard Business School (HBS). In the fall of 2021, HBS received a complaint alleging that Professor Gino had committed research misconduct. HBS conducted a preliminary assessment and subsequently convened an inquiry committee comprising two emeritus professors to consider five allegations of research misconduct related to four studies conducted by Professor Gino. The inquiry committee began its work in November 2021 and issued a report in April 2022 finding a reasonable basis for concluding that each allegation fell within the definition of research misconduct and that the allegations might have substance. It recommended an investigation of the allegations.

The HBS Dean accepted that recommendation and convened an investigation committee consisting of the two emeritus professors who served on the inquiry committee and an additional tenured faculty member. Their investigation commenced in May 2022. They issued a report in March 2023 concluding that Professor Gino engaged in multiple instances of research misconduct across the four studies at issue. The investigation committee recommended, among other actions, that HBS place Professor Gino on unpaid leave immediately and initiate the steps leading to termination of her employment. The Third Statute complaint followed in July 2023.

Filed by a Senior Associate Dean for Faculty Development and Research at HBS, whom we refer to as the complainant, the Third Statute complaint alleges that Professor Gino engaged in repeated acts of research misconduct constituting grave misconduct or neglect of duty. The complaint focuses on the same four studies at issue before the HBS inquiry and investigation committees. We understand that Professor Gino was informed of the complaint on July 28, 2023.

Upon receiving the complaint, the President convened a screening committee of three HBS professors with tenure. We understand they received the complaint in August 2023 and met multiple times. In October 2023, they sent a memorandum to the President reporting their unanimous findings: that the complaint credibly alleged grave misconduct or neglect of duty and that it was sufficiently serious and justified to be referred to a hearing committee for adjudication. The President accepted these findings, informed Professor Gino, and convened the University Committee on Rights and Responsibilities (UCRR) to select hearing committee members from among tenured University faculty pursuant to the rules governing Third Statute proceedings. Professor Gino had the opportunity to object to members selected, and the UCRR had responsibility for resolving those objections. The UCRR completed its responsibilities in March 2024, at which time we began our work.

At the outset of the hearing process, we resolved various issues raised by the parties, both of whom were represented by vigorous and experienced external legal counsel throughout this proceeding. The Hearing Committee was also represented by outside counsel. We determined that we would “review and consider the report of the Harvard Business School Investigation Committee as one part of the evidentiary record for this matter.” We also determined that Professor Gino would have an opportunity to respond to that report, and that we would conduct our own hearings and make our own findings of fact. In other words, we determined that we would not simply defer to the prior work and findings of the faculty involved in the inquiry and investigation at HBS but rather decide the issues for ourselves, including considering new material or information that the parties elected to introduce in this proceeding. We also directed the parties to exchange any new material or information prior to the hearing and invited them to bring any related disputes to us.

We required the parties to propose a plan and schedule for this proceeding, including submissions and deadlines leading up to the hearing as well as the timing and nature of the hearing itself. In May 2024, we established a plan and schedule for the proceeding with specifications and deadlines for exchanging information; filing a written response to the Third Statute complaint; submitting witness lists (including expert witnesses), exhibit lists, and copies of proposed exhibits; submitting direct testimony from witnesses in writing; and addressing disputes regarding any proposed witnesses, exhibits, or testimony. The parties disagreed on various deadlines as well as

the hearing dates, with the complainant seeking a hearing in September 2024. In many cases, we adopted the deadlines and dates proposed by Professor Gino, rather than the complainant. We set the hearing for two full days in November 2024 and stated that those dates would not change absent extraordinary circumstances. Although we advised the parties that all deadlines were firm, we subsequently allowed Professor Gino extra time for her response to the Third Statute complaint.

Between March and November 2024, we received dozens of communications and submissions from the parties and resolved numerous disputes. As a committee, we met frequently and communicated regularly to address the submissions and disputes. Among other actions, we required the complainant to locate and provide various materials to Professor Gino that she viewed as material to this proceeding, and we also provided various forms of assistance in Professor Gino's efforts to locate, contact, and secure cooperation from potential witnesses.

On October 25, 2024, we issued the official Notice of Hearing. It identified the members of the Hearing Committee, which had been known to the parties since March 2024, as well as the committee chairperson. It resolved pending disputes regarding witnesses and exhibits, and it provided detailed information regarding the conduct of the hearing. As the notice explained, the components of the hearing were: 30 minutes for each party's counsel to present opening statements; six hours for each side to present its witnesses and conduct cross-examination of the opposing party's witnesses; 15 minutes for each party to address the Hearing Committee directly; and 30 minutes for each party's counsel to provide a closing argument. We did not exclude any exhibits or testimony that Professor Gino offered. We also permitted Professor Gino an unlimited number of lawyers, experts, and witnesses, and we granted her requests to invite observers from the American Association of University Professors and the faculty at large to attend the hearing (neither of whom accepted our invitations). We also invited the Fellows to designate two of their members to attend the hearing and deliberations, but they declined our invitation. Representatives from the Harvard Office of the General Counsel attended the hearing.

In preparing for the hearing, we carefully reviewed all submissions from the parties. These submissions included Professor Gino's 93-page response to the Third Statute complaint as well as 571 exhibits and 1,085 pages of written testimony from 13 witnesses, including five expert witnesses trained in fields including quantitative social science research, data forensics, economics, and research misconduct. Collectively, we spent hundreds of hours analyzing these submissions and preparing for the hearing in this matter.

The hearing took place as scheduled over two full days in November 2024. A verbatim transcript was prepared and provided to both parties. Following the hearing, the parties had the opportunity to provide a final post-hearing submission to object to any evidence introduced at the hearing and to address any other matters that they wished for us to consider. Both parties submitted post-hearing briefs, and neither party objected to evidence introduced at the hearing. We met again for several hours in December 2024 after all submissions from the parties were received to deliberate concerning each of the allegations in the Third Statute complaint based on the hearing record; reached a unanimous decision regarding our findings and recommendations; and subsequently prepared this memorandum for the President and Fellows.

Finally, throughout this process, we have repeatedly reminded the parties and other hearing participants of the importance of confidentiality to protect the interests of the parties and the integrity of the Third Statute proceeding.

Standard

Our work has been guided by three documents: the Third Statute of the University Statutes; the rules concerning the Discipline of Officers, adopted by the President and Fellows of Harvard College on October 4, 1971; and the procedures adopted by the University Committee on Rights and Responsibilities on February 9, 1972. They establish that the burden of proof for grave misconduct or neglect of duty under the Third Statute rests with the complainant and requires clear and convincing evidence in the record considered as a whole.

These documents do not specifically define “grave misconduct or neglect of duty” for purposes of the Third Statute. Although we need not define this standard for all possible applications, we conclude that intentional and repeated data falsification and fabrication constitute grave misconduct or neglect of duty.

Findings of Fact

To determine whether the complainant satisfied the burden of proof in this proceeding, we considered whether there was clear and convincing evidence, for each of the four studies at issue, that (1) the data were altered, (2) the alterations were intentional, and (3) Professor Gino was responsible for the intentional alterations. For Allegation 4a, which concerns alterations to the written description of a study procedure rather than the data, we considered (1) whether the description was altered, (2) whether the alterations were intentional, and (3) whether Professor Gino was responsible for the alterations. For each question and every study, our answer is yes.

Although the Third Statute complaint presents the allegations in reverse-chronological order, starting with the most recent study in Allegation 1, we address them below in chronological order, starting with the earliest study at issue in Allegations 4a and 4b.

Allegations 4a and 4b

The earliest allegations concern a paper that Professor Gino co-authored titled “Signing at the beginning makes ethics salient and decreases dishonest self-reports in comparison to signing at the end,” published in the *Proceedings of the National Academy of Sciences of the United States of America* in 2012.¹ The paper claimed that signing at the top of a tax return document makes ethics salient and decreases dishonest self-reports in comparison to signing at the bottom.

Professor Gino commenced Study 1 for this paper while she was a faculty member at the University of North Carolina at Chapel Hill (UNC) and had not yet attained tenure. In the study, conducted at her UNC lab, participants solved math problems and then signed a tax form with an

¹ Shu, L. L., Mazar, N., Gino, F., Ariely, D., and Bazerman, M. H. (2012). Signing at the beginning makes ethics salient and decreases dishonest self-reports in comparison to signing at the end. *Proceedings of the National Academy of Sciences of the United States of America*, 109, 15197–15200.

honesty pledge either at the top or the bottom. The study's hypothesis was that participants who signed at the top were less likely to exaggerate how many math problems they solved correctly. Allegation 4a relates to the study procedure, and Allegation 4b concerns the study data.

Regarding the data, we find clear and convincing evidence of alterations. The earliest available version of the study data appears in a spreadsheet sent to Professor Gino from her research lab manager on Friday, July 16, 2010. Professor Gino sent her co-authors a summary of results two days later, on July 18, with 73 changes compared to the data sent to her on July 16, plus three new participant rows added.

We reject Professor Gino's argument that the data sent to her co-authors are the correct data. According to Professor Gino, the earliest available version contains several errors that were somehow detected and corrected between July 16 and 18, thus making the later dataset the "correct" one. In support of that argument, Professor Gino claims to have reviewed the original paper receipts completed by study participants and verified that the later data (on which her analysis relied) are accurate. She did not, however, provide those receipts or explain how they account for the analysis dataset, and no one in this proceeding, including experts for either party, has been able to replicate her process or conclusions. Accordingly, these claims fail to overcome the clear and convincing evidence of data alterations.

We also find clear and convincing evidence that the alterations were intentional. Of the 73 alterations, all but one are in the direction of the hypothesis. The three added participant rows also increase evidence for the hypothesis. Without these alterations, the study would not have produced statistically significant results in support of the hypothesis.

Next, we find clear and convincing evidence that Professor Gino is responsible for these intentional alterations. There was a short timeframe between a Friday afternoon and a Sunday evening when the study data were provided to Professor Gino and she circulated the altered results, and there is no evidence of another individual with the knowledge and opportunity to make the intentional alterations. Although a lab manager was involved in this study and worked with these data, that individual lacked the education and training to make these directional changes to bolster the study's hypothesis, and in any event had no apparent motive to do so. In addition, that lab manager emailed Professor Gino the original, unaltered data again on July 27—over a week *after* Professor Gino circulated her analysis based on the altered data—strongly suggesting that the lab manager was not involved in any alterations. In sum, we find clear and convincing evidence that the published paper was based on data that Professor Gino falsified and fabricated.

Allegation 4a relates to the study procedure, not the data; it is therefore different from the other allegations in the complaint. That said, our analysis of this allegation mirrored our analysis of the allegations involving data. We examined (1) whether the description was altered, (2) whether the alterations were intentional, and (3) whether Professor Gino was responsible for the alterations.

With respect to the first question, there is clear and convincing evidence that the published paper altered the description of the study procedure that Professor Gino originally prepared, including in the available Internal Review Board (IRB) application and in the first known draft of the paper. Those early materials describe a study procedure in which the dependent variable (reporting the number of math problems solved correctly) was completed *before* the independent

variable (signing the tax form at the top or the bottom). This sequence would defeat any claim of causality that the location of the signature influenced the reporting of the number of correct solutions. The published paper, by contrast, described a study procedure where participants signed the tax form before they reported the number of math problems solved correctly.

We further find that there is clear and convincing evidence that the alterations were intentional. The earliest available draft of the paper, which was attached to an email from one of Professor Gino's co-authors, contained the flawed description of the study. The alterations to the study procedure occurred in two phases following that email. First, another of Professor Gino's co-authors noted the flaw in the study, stating: "This is odd. I might be misunderstanding but why would there be any differences in cheating on the matrix task which is done before the pledge of honor manipulation." A few days later, Professor Gino prepared a new draft that changed the study description in some respects but *still* reflected reporting before signing. Second, the same co-author again raised concerns that the study "doesn't seem to make sense" based on that sequence. Hours later, Professor Gino saved another draft that indicated for the first time that signing took place before reporting, contravening every earlier draft of the paper and the IRB application for the study.

The same chronology provides clear and convincing evidence that Professor Gino altered the study description. After each critique, Professor Gino saved a new draft of the paper with an altered study description.

Professor Gino claims that the sequence described in the IRB application and early drafts could not possibly reflect how the study was actually conducted because the flaw was so serious and obvious that her lab never would have conducted the study that way. But the seriousness and obviousness of the error evidently did not stop Professor Gino from describing the study that way in the IRB application and early drafts—and maintaining that description when she first attempted to allay the concerns of her co-author. Although the evidence supporting this allegation is qualitative, rather than quantitative, the committee nonetheless concludes that research misconduct has been proven by clear and convincing evidence.

Allegation 3

Allegation 3 relates to a paper that Professor Gino co-authored titled "Evil genius? How dishonesty can lead to greater creativity," published in *Psychological Science* in 2014.² The paper examined whether there is a correlation between dishonesty and creativity. In Study 4 of the paper, conducted by Professor Gino, participants played a game where they guessed the outcome of a coinflip that, according to the Third Statute complaint, was rigged to ensure the participant always lost. After the game, participants reported whether they had won (guessed the coinflip correctly) or lost (guessed incorrectly). Participants then completed creativity tasks. The study also included a measure of how much participants cared about rules. The study's hypothesis was that participants who cheated by stating that they had won the coinflip game would be more creative. According to

² Gino, F., & Wiltermuth, S. S. (2014). Evil genius? How dishonesty can lead to greater creativity. *Psychological Science*, 25(4), 973–981.

the published paper, participants who lied did perform higher on all measures of creativity and reported caring less about rules.

We find clear and convincing evidence that the data for this study were intentionally altered by Professor Gino at three distinct points in time, which we address in turn.

First, in July 2013, before submitting the paper for publication, data for 12 participants who did not cheat were changed to indicate that they had cheated. At the same time, for one of the creativity tasks, four overall scores were altered; and for the other, the text responses provided by seven participants were changed to make them appear more creative. Six of those seven alterations were made by swapping the text of a more creative participant who had not cheated with the text of a less creative participant who had. There is clear and convincing evidence of these alterations between the earliest version of the data, which was saved on Professor Gino's computer on November 18, 2012, about 12 hours after the study concluded, and the output file she saved on July 24, 2013, the evening she emailed a draft of the paper to her co-author reflecting the altered data. Professor Gino does not dispute these alterations, and the fact that the original dataset in Qualtrics is no longer accessible does not change the fact that the earliest available version is materially different from the version used for her analysis—with multiple types of changes that uniformly supported the study's hypothesis, and without which the data would not have supported the hypothesis (much less with statistical significance). We also reject Professor Gino's claim that the 12 alterations about cheating were actually corrections because, she says, the earliest dataset indicated that these participants had guessed the outcome of the coinflip incorrectly when in fact they guessed correctly. This claim relies on the premise that the coinflip was *not* rigged, but that is implausible: each of the 178 participants in the study guessed incorrectly, and the chances of those results without a rigged coinflip are infinitesimally small (1 in 10^{53}).

Later, in November 2013, another 18 participant answers were altered. This followed Professor Gino's receipt of a revise-and-resubmit notice from the journal. The alterations at this time involved replacing actual responses for the creativity tasks in Study 4 with data from other studies that involved the same creativity task. Again, these alterations uniformly supported the hypothesis, and with these alterations, a revised version of the paper was accepted for publication. There is no credible evidence of inadvertent errors that could have yielded these alterations with this directionality.

Finally, after the revised paper was accepted for publication, Professor Gino received repeated requests for the underlying data from a professor at another institution who was and is a known data fraud investigator. When Professor Gino ultimately responded in April of 2014, she provided a dataset with additional changes to fix anomalies introduced by the earlier alterations. Specifically, for the 12 participants who had been changed from not cheating to cheating, other data entries were changed to avoid an impossible combination of values. In addition, for the four overall creativity scores that were altered, the number of items were changed to match the sum that was used for the analysis. Professor Gino did not dispute these alterations or their intentionality at the hearing. When asked about them, she testified: "if you want to make sure that everything is accurate in the datasets and the sums are not there, you might change it so that it's consistent."

We find not only clear and convincing evidence of intentional alterations at three different points in time, but also clear and convincing evidence that Professor Gino is responsible. In each

instance, Professor Gino had the knowledge and opportunity to alter the data, as well as the incentive to do so; and there is no evidence of another individual or set of individuals with that knowledge, opportunity, and incentive. The final set of alterations provide exceedingly compelling evidence of intentional data fraud by Professor Gino, and they betray a complete lack of respect for the scientific record. If, following publication of a paper, a scientist discovers discrepancies between the underlying data and the sums *calculated from those data*, the scientist investigates those discrepancies and takes further steps as necessary to correct the scientific record. The actions in this instance were antithetical to science: instead of fixing the sums to reflect the actual data and contacting the journal to correct the scientific record, Professor Gino manufactured the data to support the sums. This conduct is unbecoming of any scientist, and it indicates Professor Gino's consciousness of guilt as to the earlier alterations. In short, these alterations were made with one purpose: to cover up earlier data fraud.

Allegation 2

Allegation 2 pertains to a paper that Professor Gino co-authored titled "The moral virtue of authenticity: How inauthenticity produces feelings of immorality and impurity," published in *Psychological Science* in 2015.³ For Study 4 of the paper, which Professor Gino led, Harvard undergraduate students were asked to write an essay about including difficulty ratings in the student course review guide. Participants were randomly assigned to one of three conditions: (1) writing against their own opinion with the perception they had a choice in doing so; (2) writing against their own opinion without a choice; or (3) writing in support of their own opinion. Data for the study were gathered both online through Qualtrics, an online survey tool, and in person in the CLER lab on Harvard's Campus. The study's central hypothesis was that writing an essay contrary to one's own opinion would provoke a greater desire for cleansing products, whether it was voluntary or not. The published paper claimed that the data supported that hypothesis with statistical significance.

For this study, the parties agree that there are multiple types of alterations between the original data collected from study participants and the analysis dataset used for the published paper. Specifically, the parties agree that, for the study's key outcome, the desirability for cleansing products when writing against one's own opinion, there are 80 altered data points. There are also 20 alterations with respect to the desirability of neutral products, which the study hypothesized would not differ based on the assigned essay, and there are 54 alterations to a measure of "self-alienation"—referring to the participant's feelings after writing the essay. Separately, the parties agree that some of the online responses for this study were completed by a scammer who was apparently attempting to collect the study's gift card reward as many times as possible. Given the lack of any real dispute about these differences between the datasets, we find clear and convincing evidence of these alterations in the data.

We also find clear and convincing evidence that the 154 alterations described above were intentional data falsification, not inadvertent errors. All of the alterations are in the direction of the paper's hypotheses. Without the 80 alterations related to the desirability for cleansing products,

³ Gino, F., Kouchaki, M., & Galinsky, A. D. (2015). The moral virtue of authenticity: How inauthenticity produces feelings of immorality and impurity. *Psychological Science*, 26(7), 983–996.

the study result would be consistent with the hypothesis, but not to the degree necessary to be statistically significant. With these alterations, the results surpass the standard threshold for statistical significance. Without the 20 alterations related to the desirability of neutral products, the desirability of those products would differ to a statistically significant degree based on the assigned essay, contrary to the study's hypothesis that only desirability for cleansing products would be affected. For the 54 alterations related to self-alienation, all are in the direction of the additional hypothesis that higher feelings of self-alienation would be associated with an increased desire for cleanliness, and that lower feelings of self-alienation would be associated with a decreased desire for cleanliness. Based on the directionality, number, and magnitude of alterations, we are persuaded that they were not caused by the types of mistakes that Professor Gino posits, such as problems with merging multiple spreadsheets.

We reject Professor Gino's claims that these alterations were not necessary or relevant to the study, which in her view undercuts intentionality. The alterations to the scores for neutral products that Professor Gino depicts as immaterial to the study's central hypothesis were in fact referenced in the paper because they reinforced the study's purported findings. In addition, while we agree that certain participants in the online version of the study were scammers, this does not change the reality that their responses were accepted and then altered in ways that went beyond data cleaning for corrupted entries.

We also find clear and convincing evidence that Professor Gino made these intentional alterations. The parties agree that Professor Gino opened and saved the unaltered data in two separate spreadsheets—one for the online results and one for the in-person results—mid-day on November 27, 2014, which was Thanksgiving. The parties also agree that Professor Gino created another spreadsheet later that day, which appears to be a combined version of the online and in-person results. Additionally, the parties agree that Professor Gino saved a version of the combined spreadsheet with the altered data values the next day at 9:54 PM, analyzed that file in a software program called SPSS, and saved a draft of the paper containing the altered data values at 10:43 PM. Based on this timeline of events, it is not plausible that someone else intentionally altered the data. There is no evidence of any research assistant or collaborator who handled all these data, knew and understood the study's hypothesis, and had the motive and opportunity to falsify results.

Allegation 1

Allegation 1 concerns a paper that Professor Gino co-authored titled "Why connect? Moral consequences of networking with a promotion or prevention focus," published in the *Journal of Personality and Social Psychology* in 2020.⁴ In Study 3A of the paper, led by Professor Gino, participants were randomly assigned to the prevention, promotion, or control condition—meaning they were focused on obligations (prevention), dreams and aspirations (promotion), or neither. They read a story about networking and were asked to imagine that they were the protagonist. The published paper claimed statistically significant support for its hypothesis that the promotion focus would lead to a lower sense of impurity and greater desire to network, whereas the prevention focus would do the opposite.

⁴ Gino, F., Kouchaki, M., & Casciaro, T. (2020). Why connect? Moral consequences of networking with a promotion or prevention focus. *Journal of Personality and Social Psychology*, 119(6), 1221–1238.

The parties agree there are 1,066 changed values between the initial, unaltered Qualtrics dataset for Study 3A and the altered dataset used in the final analysis. We find clear and convincing evidence of data alterations.

In addition, we find clear and convincing evidence that these alterations were intentional. All of the alterations are in the direction of the study's hypothesis, and without them, the data would not have supported that hypothesis. Based on the evidence, particularly the uniform directionality of over a thousand changes, it is implausible that these alterations were caused by a series of inadvertent errors in Excel, as Professor Gino suggests.

Finally, we find clear and convincing evidence that Professor Gino intentionally altered these data. On a single day—January 24, 2020—Professor Gino opened the original, unaltered Qualtrics dataset in the afternoon and then hours later saved the altered dataset used in the final analysis. She analyzed these two files over the course of the afternoon using SPSS, running commands in a manner consistent with repeatedly altering the data and then checking whether and how it improved the results. Moreover, at the time of this analysis, Professor Gino had already drafted a description of the study results as providing “further support for the independent effects of promotion and prevention focus on feelings of impurity and instrumental networking,” indicating that she altered the data to conform to her pre-written draft. We reject Professor Gino's argument that a research assistant may have been responsible for these alterations, as there is no evidence that a research assistant was working with the data at this late stage or had the knowledge, motive, or opportunity to alter over a thousand data points in the direction of the study's hypothesis and in conformity with the results as described in the pre-drafted results. Moreover, Professor Gino's contention that a version of the data file with “R” in the name matches the last initial of a research assistant and thus indicates that person's involvement is belied by the fact that Professor Gino has another “R file” on her computer at a time when that individual was not working with her. Finally, although Professor Gino casts doubt on whether she could have made all of these alterations in a 12-minute timeframe, we find that question irrelevant as Professor Gino had access to the original, unaltered Qualtrics dataset at least two days earlier and thus had ample time to accomplish the alterations.



In sum, we find clear and convincing evidence that Professor Gino intentionally falsified and/or fabricated data in connection with each of the four studies we examined in this proceeding. We are struck by the breadth of this research misconduct, which includes several different types of data manipulation and appears to reflect a troubling pattern of salvaging studies that did not support Professor Gino's hypotheses at all or did not attain the level of statistical significance required for publication.

Professor Gino bears no burden in this proceeding, but she offered arguments and evidence to support her claims of innocence, all of which we carefully considered. Much of Professor Gino's presentation at the hearing focused on her criticisms of the HBS inquiry and investigation. Although we do not find her criticisms compelling, they are ultimately irrelevant to our determination because we did not defer to or rely on the outcome of the HBS inquiry or investigation, nor did we limit this proceeding to the arguments or evidence presented in that forum. The record before us is not the same as the record for the HBS investigation; our record is more expansive in several respects. We have independently reviewed the record before us—as a

committee of academics from a wide range of fields, including members with training in empirical methods and familiarity with the fields in which Professor Gino works—and these findings and recommendations are based on that independent assessment.

Professor Gino also presents a number of other arguments focused on demonstrating that the burden of proof has not been met. These arguments include criticisms that the complainant's case was a moving target; critiques of the expert statements offered by the complainant; arguments about gaps in the evidentiary record; suggestions of other individuals who contributed to these four studies and potentially could have had some role in the data alterations; evidence of supposedly lax or even sloppy data management standards in the behavioral science field as a whole; protestations that she lacked any motive to alter these data, particularly given that she has abandoned other studies and hypotheses that did not pan out; and more. We considered all of these points and gave Professor Gino every benefit of the doubt, but none overcomes the clear and convincing evidence establishing research misconduct in connection with each of the four studies.

Recommendations

Based on these findings, and by a unanimous vote, we recommend to the President and Fellows that Professor Gino be removed from her teaching appointment as a tenured professor of Harvard University. We had hoped that the evidence might exonerate Professor Gino or at least fall below the threshold set by the Third Statute. Unfortunately, the clear and convincing evidence before us demonstrates numerous types of research misconduct over multiple studies spanning a decade of Professor Gino's career.

Data fraud is the enemy of science and truth, the very fundamentals of the university. It misleads researchers engaged in the search for truth and knowledge; tarnishes reputations of colleagues and institutions; misinforms public policy; erodes trust in the academy; and threatens our central purpose to advance knowledge and understanding. The record evidence leaves us—as representatives of our faculties and stewards of this institution—with no choice but to recommend this most serious sanction.