

American Mathematical Society
Committee on Professional Ethics (COPE)
Procedures Manual

(These procedures were approved by the January 1996 Council)

1. Charge to COPE

COPE was established by action of the Council of the American Mathematical Society in 1983. It functions under the authority delegated to it by the Council and as set forth in the Ethical Guidelines adopted by the January 1995 Council. These guidelines appear in the *Notices of the AMS* Volume 42 and on the AMS Secretary's Home Page. Here is an excerpt from the introduction to the Ethical Guidelines:

To assist in its chartered goal, "...the furtherance of the interests of mathematical scholarship and research ...," and to help in the preservation of that atmosphere of mutual trust and ethical behavior required for science to prosper, the American Mathematical Society, through its Council, sets forth the following guidelines. While it speaks only for itself, these guidelines reflect its expectations of behavior both for its members and for all members of the wider mathematical community including institutions engaged in the education or employment of mathematicians or in the publication of mathematics.

It is not intended that something not mentioned here is necessarily outside the scope of AMS interest. These guidelines are not a complete expression of the principles that underlie them but will, it is expected, be modified and amplified by events and experience. These are guidelines, not a collection of rigid rules.

The American Mathematical Society, through its Committee on Professional Ethics (COPE) may provide an avenue of redress for individual members injured in their capacity as mathematicians by violations of its ethical principles. COPE, in accordance with its procedures, will, in each case, determine the appropriate ways in which it can be helpful (including making recommendations to the Council of the Society). However, the AMS cannot enforce these guidelines and it cannot substitute for individual responsibility or for the responsibility of the mathematical community at large.

COPE shares responsibility with the AMS Committee on Academic Freedom, Tenure, and Salary (CAFTES) for the implementation of these guidelines. COPE normally is a reactive committee, entering a dispute by request of a disputant. However, from time to time it should consider ethical matters that go beyond interpersonal conflict and to make appropriate recommendations to the AMS Council. Such considerations may be initiated by others or by COPE itself.

Outlined below are procedures for conflict resolution. The Committee may deviate from these procedures as cases warrant and parties agree, but COPE is encouraged to follow standardized procedures. It is of great importance to the AMS that COPE act impartially--- both in fact and in appearance. Modification of these procedures is expected to occur as experience is gained. It is expected that the vast bulk of the cases brought to COPE will be resolved by the Standard Procedure described below and that the Formal Procedure described in Appendix B will be very rarely invoked. The Council has delegated responsibility to COPE and has full confidence in COPE and its procedures. It is anticipated that the Council will consider appeals from COPE decisions only rarely.

2. Membership

COPE shall be a committee of six members representing a broad spectrum of membership of the Society. They shall be appointed by the President acting on the advice of the Committee on Committees and shall have three year staggered terms. Each year one of the continuing members is appointed by the President to be Chair for that year.

3. Scope of Activities

COPE serves primarily as an agency for conciliation, as a mediating body seeking for its standards "reasonable behavior expected of a active member in good standing of the mathematical community". This includes the expectation that normal professional standards are respected in interaction with students and colleagues and in regard for the intellectual work of others. Most of the cases COPE receives are colored in shades of grey. For such cases, COPE attempts to facilitate an equitable resolution by drawing on the collective experience, judgment, and wisdom of its membership and the AMS.

In general, COPE does not take on disputes unless at least one of the parties is based in a U.S. or Canadian institution. This is because the AMS has considerable resources in U.S. and Canadian institutions that can be drawn upon to help establish the facts and assist in resolution of the matter but lacks these resources elsewhere in the world.

COPE has neither staff, legal expertise, nor budget. Therefore COPE does not have the resources to participate in judicial proceedings. Its only role can be as a committee of professional peers.

COPE has little direct power beyond the moral force of the collective judgment of its membership. COPE may bring a serious transgression to the attention of appropriate university and/or institutional officials. COPE may also bring a matter to the

attention of its parent AMS Council. On occasion, if conciliation is not possible, a public statement might be issued in the form of an announcement in the *AMS Notices*.

It is understood that the conflict resolution procedures described below are not legally binding upon parties bringing conflicts to COPE. However COPE offers its services in the belief that members of the profession are best suited to resolve disputes involving professional ethics. Parties understand that the AMS will not take legal action to support the claims of any parties which are the subject of proceedings under these procedures. All parties are urged to find mutually satisfactory settlements to their conflicts. At any time, if a settlement is agreed to between the parties, then the proceedings will cease. COPE will simply report to the Council that a case was handled and resolved. It is expected that almost all cases will be handled by the Standard Procedure described below. In rare cases (explained below) the Formal Procedure described in Appendix B will be invoked.

Attention is also drawn to the AMS committee CAFTES: The Committee on Academic Freedom, Tenure, and Salary. A complainant should submit his case to the committee that he feels is most appropriate to handle it; if the Committee receiving it feels otherwise, it will recommend transfer of the case.

Access to AMS legal counsel shall be through the Secretary or the Executive Director and not, in the first instance, directly with Society counsel.

4. Standard Procedure

Inquiries, complaints, and documentation are sent to the Chair, who sends copies to all members. (For this reason, eight copies of all materials will speed processing.) Members having a substantial personal interest in the case are recused. Members study and discuss the material. All parties to a dispute are informed that a complaint has been registered with COPE and their input is sought. If appropriate, COPE may consult with others who may have knowledge which is relevant.

COPE uses its resources and best judgment to mediate between disputing parties, tracing out the middle grounds or alternate approaches to divergent views. It is only when these efforts fail, and a judgment and/or action is required to proceed with a case or to close the case, that COPE renders decisions. COPE communicates these decisions to the parties and takes supplementary action (various examples are given in Appendix A) as appropriate.

Formal proceedings (as described in Appendix B) may be invoked for a particular case by COPE if COPE decides (at the beginning or in the midst of the Standard Procedure) that this is wise.

5. Appeals in the Standard Procedure

The Council has full confidence in COPE and expects to intervene in COPE matters very rarely, if ever. Nevertheless, there is always the possibility of error, and these appeals processes are thus included in COPE procedures.

A. APPEALS OF COPE DECISION TO USE STANDARD PROCEDURE: If a party in a case being handled by COPE under the Standard Procedure wishes to invoke the Formal Procedure then the party has the right to request this of COPE (the request should be in writing to the Chair of COPE) and COPE has the right to grant or to deny this request. If COPE denies the request then the party has the right to appeal this decision to the Council. (Such appeal must be filed within 30 days with the Secretary of the AMS and the Chair of COPE). The Council will decide whether to consider this appeal. If the Council decides to consider the appeal then a COPE representative will be present at the Council meeting where the matter is discussed. The Council will either sustain COPE's decision or else will direct COPE to invoke the Formal Procedure.

B. APPEALS OF COPE RESOLUTION OF A CASE: If a party in a case wishes to appeal the disposition of a case handled by COPE, then such appeal shall be made to the Council. The grounds for appeal must be serious and weighty, such as egregious procedural errors or very substantial new facts. The fact that a party in a case is unhappy with the resolution of the case is not, in itself, grounds for appeal. Written notice of intent to appeal shall be made within three months of COPE's action to the Secretary of the Society. The Council shall act in a timely manner on any appeal. The Council will take advice from COPE and then will decide whether or not to consider the appeal. If the Council decides to consider the appeal then normally, the Council will appoint a subcommittee to investigate the case, report back to the Council, and recommend action. The Chair of COPE shall have the right to nominate one member of COPE to serve on this subcommittee; the Council need not accept COPE's nomination. At any time that the Council or such subcommittee discusses the case, members of the Council with substantial personal interest in the case shall be recused. Whenever an appeal is discussed by the Council a representative of COPE shall attend the Council meeting with travel expenses paid by the AMS. Upon resolution of this appeal, the Council will provide the Chair of COPE with written records of subcommittee and the Council action for the COPE files.

6. Records

COPE usually conducts business via email, mail, and conference calls. Each year a summary report of all COPE business will be presented to the Council (normally at the Annual Winter Meeting.)

In addition, the Chair of COPE is charged with keeping detailed records of each case and archiving one copy of these records with the Chair's successor and one copy with the Archives of the AMS. It is understood that the records of closed cases are to be held confidentially by the AMS and that access to these records will be limited to future COPE committees, to CAFTES and to the Council in case other proceedings warrant access. The AMS will endeavor to keep these records private to the extent possible by law.

7. Insurance

By virtue of the vote of the Society's Board of Trustees approving these Procedures, the Board of Trustees has agreed to provide liability insurance for members of COPE and COPE subcommittees against claims arising out of actions taken by them in their capacities as members of the Committee.

Appendix A: Examples

Here are some examples that may give some guidance as to what COPE can and cannot do. They are fictional but are based on past cases and other situations in which COPE may be helpful.

Example 1. A complaint that a proof of the Riemann hypothesis has been rejected by the Editor of XXX because, "the referee could not follow the proof presented and deemed it unlikely the methods used could be successful". The complainant felt that the referee's criticisms were not valid. His letter of complaint to the Editor decried the "superficial" examination of the submitted paper as indicated by the lack of detailed comments. The Editor responded that he had tried but had not succeeded in finding another referee for the paper, but that the referee was "an authority in the field".

In such a situation, COPE's response can only be to confirm that the established procedures for submitted manuscripts to XXX were reasonable and were followed. Acceptance or rejection of a paper is the prerogative of the Editor (or Editorial Board), based on their evaluation of the manuscript and interpretation of any referee's reports. COPE has no standing to intervene when the Editor exercises his best judgment, so long as the appropriate procedures are followed.

In the end, it is the responsibility of the person claiming the proof to present it in such a way that other qualified readers can understand. We recognize that history holds examples where the originality and depth of penetration of the writer was not recognized by reviewing editors, who instead may have been unduly focused on the form of the presentation. Nevertheless, the only recourse for an author is to try different journals.

Example 2. A complaint that the ideas propounded in an NSF proposal were appropriated and subsequently applied by an alleged reviewer for his own purposes without attribution.

In such a situation, unless there is some concrete evidence that this has happened in this way, COPE has no basis to intervene. Proposals are supposed to be confidential. If the alleged event actually happened it would certainly be unethical. On the other hand, it is often difficult or impossible to nail down the source of an idea. Usually, ideas are "in the air" and are generated by the open nature of mathematical activity and discussion. Thus, it is not unusual that a number of people in a field arrive at similar ideas in the same time frame. It is also true that successful

implementation of an idea can be of far greater import and challenge than the idea itself.

Example 3. A similar complaint was received claiming that the alleged referee of a paper ran with the idea and beat the author to improving the results. The complainant was also concerned lest his paper be rejected by the referee in favor of his own improvements. The facts were much easier to establish in this case. COPE confirmed through the journal editor that the author was correct in his designation of referee. The author had not distributed preprints so it was only in the capacity as referee that details of the complainant's result were known. After researching the situation and establishing the validity of the complaint, COPE wrote a very strong letter to the referee with copies to the journal editor and author severely chastising him for his actions.

Seeing improvements is a rather common experience for a referee. COPE pointed out that the referee should either point out the improvement anonymously, leaving the credit for himself as the unnamed referee, or write directly to the author. Usually the choice is made according to the magnitude of the mathematical improvement. In the latter case the outcome is often a joint paper but may be an independent paper if the contents so warrant. If so, the referee will often wait until prior publication.

Certainly an outright rejection of the original paper by the referee with the intent of publishing his own work instead would be regarded with skepticism as to its ethical grounds. By accepting the role, a referee responding to the work he is examining is not in the same position as one without any direct responsibility for the paper.

Example 4. A complainant said that a result attributed in Y's paper to the Fields medalist Z was actually proved first by the complainant (reference provided).

There is a human tendency in scientific papers to establish or confirm authority by citing famous authors, but this is not an excuse for not making the correct attributions. The complainant should make sure he informs the offending author. Depending on the judgments of the significance of the oversight, a correction can be sent to the journal. If the response is not satisfactory then a formal complaint can be made to COPE and it will be examined.

However we are all aware that it is often much easier and much faster when confronted with a particular question to simply work out the answer without a literature search. If the result is buried as a lemma in the middle of a paper, it is even unlikely that a simple search will find it. This is why those who are most vociferous in

publicizing their work are more likely to be so credited. Still, it is clearly unethical to knowingly omit a relevant reference even on the grounds that the result quoted is trivial (although there may be lower bounds on this score).

Example 5. A complainant said that a principal result proved by Y and then distributed as a preprint failed to give credit properly reflecting the magnitude of the complainant's prior contribution toward the result. The complainant enclosed a polite letter he had written to Y and Y's response denying any wrong. COPE wrote to Y registering the fact of the formal complaint and asked for a response. COPE also became aware of the fact that the paper was being refereed for an AMS journal and sent a copy of the complaint to the relevant editor for consideration. Subsequently, the referee and editor suggested modification in the wording, which was carried out and the paper was published. However the complainant was not satisfied and asked for formal censure of Y for the transgression. After discussion, COPE did not agree that the situation warranted a public rebuke of Y and closed the case.

Example 6. The complainant based in a US institution discovered that his published lemma and its rather lengthy proof was reproduced verbatim in a journal without any attribution to him. He brought this to the attention of COPE. After confirmation of the situation, COPE wrote to the author and the editor of the Journal asking for explanation of the apparent overt plagiarism. No response was received. A further notice was sent stating that COPE would publish an announcement in the Notices calling attention to the plagiarism unless a satisfactory explanation was forthcoming. COPE published the announcement. If the article had arisen from a thesis, university officials would have been notified as well.

Example 7. A graduate student wrote in confidence to complain of the actions of his thesis advisor, a well known mathematician. According to the student he had discovered a wonderful formula without substantial help from his advisor. Yet his advisor insisted that the announcement of the result be made jointly. According to the student, the advisor even went around giving talks about the formula, always mentioning the student, not always by name, but implying that the student had played a secondary role in the discovery. The student asked COPE for advice.

COPE asked the student to supply as much documentation as he could for his claims. COPE also asked permission to write to his advisor, without mentioning the student's name but stating that a complaint had been brought questioning whether the formula was truly a joint discovery. Permission was given. The advisor responded that he had suggested the topic area to the student and he had witnessed the progress of the discovery, freely giving suggestions about its proof. He acknowledged that the core insight was the student's but as the senior figure ultimately responsible for the

correctness of the proof, as "director of the lab", he felt it was his prerogative to claim joint authorship.

COPE carefully studied the record and consulted a leading expert in the field. Although COPE felt the advisor's actions were not without some justification, on balance it concluded that the magnitude of the student's insight outweighed the proprietary claims of the advisor. It wrote its report to the advisor, who accepted it after blasting COPE and terminating his relationship with the student.

A year later, the same student wrote back to say that he was told that his former advisor had written a negative, damaging letter as part of his application package for junior positions. Again he asked for assistance.

After confirming that this had occurred with at least one school, and that the matter was directly related to the experience with the formula, COPE wrote a very strong letter to the Dean and the Chairman of the Department. A copy of the finding about joint authorship was enclosed. COPE recommended that all of the schools receiving the former advisor's recommendation should be contacted and copies of the letters from COPE should be sent for insertion in the applicant's file. COPE in addition wrote a report on the case to the Council for further consideration, possibly for publication of the record in the Notices.

Example 8. Professor X, who had been on the faculty of his large urban university for 20 years, came to COPE with the following complaint. Individuals had been critical of the current teaching of calculus. They came out with a new curriculum which was embraced by the department's committee on calculus. But after independently studying the new curriculum, Professor X concluded that it was seriously flawed and wrote a long critique to that end. He then declared that to follow such a syllabus would compromise his integrity as a mathematician and announced his refusal to use it in any classes. His department head and dean were equally adamant that as an employee he had to follow their directions and refused to entertain his objections, especially as they had to demonstrate success to the funding agency.

COPE felt this case was potentially significant. Although ethics played a substantial role in this case, COPE felt that the academic freedom issue dominated. The case was referred to CAFTES.

Example 9. Professor Y had for some years written a newsletter for his department. It was written in an informal, personal style, not unlike the Parks newsletter for physics. In particular it highlighted stupidities wherever Professor Y saw them. The newsletter was greatly appreciated by the alumni, faculty, and students. It was credited with a significant role in recruiting new students and faculty and more generally, new

friends, to the department because of its very human qualities and the fact that it highlighted the most interesting work done in the department. Because of its success, it received modest support from the Dean's office to cover expenses.

However it transpired that Professor Y felt called upon to address certain points relating to the Dean's latest initiative to get faculty members into factories, where they would gain "real life" experience to bring back to their students. He found that another school had tried and then quickly dropped this idea, and he reported their troubles in detail. In particular he reported on the quality of mathematics that was brought into the classroom and into the scholarly literature as a result of their experiment.

When he saw the piece, the Dean felt it disloyal in that it threatened his relations with industry and his attempts to raise substantial funds. With the cooperation of the department chair he ordered a restructuring of the newsletter production. Professor Y would be replaced by a committee which would pay a graduate student to follow their direction.

Professor Y brought his case to COPE. He wanted its support in addressing what he believed was an unethical action by his department and the Dean in silencing his voice for truth in commenting on mathematical issues.

After a vigorous debate, which took account of input from the Dean and department chair, COPE unanimously supported Professor Y's position. A strongly worded letter spelling out the reasons for declaring the action unethical was sent to the department Chair and to the Dean, Provost, and President. In addition, an account of the case was given to the Council.

Appendix B: Formal Procedure

The Formal Procedure is followed when COPE decides that it is appropriate or when COPE is directed to do so by the Council. It is rarely used. The following describes this procedure:

1. The Chair of COPE, on the advice of the Committee, and after consultation with the President of the Society, shall appoint a three member Special Committee for the case. At this time any member of COPE with a significant personal interest in the case shall be recused for the duration of the case. Any party to the case may submit to the Chair of COPE a written list of Society members whom they wish not to serve on the Special Committee and reason for the objection. Any party may request certain peer representation on the Special Committee, e.g., a non-tenured member if a party is also non-tenured. The Chair of COPE shall take these suggestions under advisement and may, but is not required to, act upon them. The members of the Special Committee shall generally be knowledgeable of the area of conflict. A time limit for the special investigation will be agreed to by all parties, with the Chair of COPE making the final determination of reasonable time limit in case of non-agreement of the principal parties. Any party may ask for an extension of the time limit from COPE as the case proceeds and the Chair will grant the extension if the request is justified.
2. The Special Committee shall gather facts and statements from all interested parties. Committee members conducting interviews will make written summations of any interviews. After completing what it determines to be a full investigation, and after all parties have been asked to comment on the accuracy and completeness of the record, the Special Committee shall present a written report to COPE. In case parties disagree on statements of facts in the report, their written disagreement shall constitute a part of the report. As part of its report, the Special Committee shall recommend to COPE action that it deems appropriate for the case. All parties to the dispute shall be given copies of the Special Committee report. AMS legal staff shall review the final report of any Special Committee and any final determination and recommendation of any case that goes through a Special Committee procedure.
3. COPE shall review the report of the Special Committee, advice of AMS legal counsel (see note concerning consultation with legal counsel above), and all other relevant information presented to it and shall make a final decision regarding the disposition of the case. It shall take supplemental action as it deems appropriate (cf. Appendix A for examples) and shall communicate its decision and actions to the parties and to the Council.

4. If a party in a case wishes to appeal a case handled by Formal Procedure then such appeal shall be made to the Council. The grounds for appeal must be serious and weighty, such as egregious procedural errors or very substantial new facts. The fact that a party in a case is unhappy with the resolution of the case is not, in itself, grounds for appeal. Written notice of intent to appeal shall be made within three months of COPE's action to the Secretary of the Society. The Council shall act in a timely manner on any appeal. The Council will take advice from COPE and then will decide whether to consider the appeal. If the Council decides to consider the appeal then normally, the Council will appoint a Subcommittee to investigate the case, report back to the Council, and recommend action. The Chair of COPE shall nominate one member of COPE to serve on this Subcommittee; the Council need not accept COPE's nomination. In addition, COPE shall review the request for appeal and give a written opinion to the Council as to whether the appeal is valid. The Council will decide on the validity of the appeal based upon the information presented to it by the parties, its Subcommittee, and on the COPE opinion. At any time that the Council discusses the case, members of the Council with substantial personal interest in the case shall be recused. Whenever an appeal is discussed at a Council meeting a representative of COPE shall attend the Council meeting with travel expenses paid by the AMS. Upon resolution of this appeal, Council will provide the Chair of COPE with written records of subcommittee and Council action for the COPE files.

5. All expenses incurred by members of COPE, COPE subcommittees, and individuals consulted by COPE in connection with the exercise of these formal procedures shall be paid by the AMS. Prior approval from the President, Secretary, or Treasurer is required before unusual expenses, such as travel, are incurred.