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Executive Summary

Executive Summary

This document is provided in response to the intent to terminate letter presented to Professor Eric Stewart on Friday, March 10th, by Rebecca Peterson (Senior Associate Director of Faculty Relations, FSU Office of Human Resources) and Dean Thomas Blomberg (FSU College of Criminology & Criminal Justice). Professor Stewart has provided narrative and documentation refuting the claims set forth in the intent letter. While a bevy of supporting documents have been provided by Dean Blomberg for the peer panel's review, Professor Stewart has included in his packet contextualized narrative with individual responses and key documentation that substantiate his response to the claims used to label him as incompetent. Given the nature of this case and the claims made against Professor Stewart, the standard for "clear and convincing" evidence is presented as a more appropriate standard than "preponderance of evidence" as presented to the peer panel by the university. The decision to terminate Professor Stewart is arbitrary and capricious in nature. This claim is made for several reasons:

- In the presence of Dr. Warren Hightower, Professor Stewart was directed by Dean Blomberg in 2019 to retract several publications. These retractions are now being interpreted by the university as evidence against Professor Stewart. This is unfair treatment of Professor Stewart. [See Appendix 16.4-Letters from Experts in the Fields of Sociology & Criminology-Patricia Warren Hightower]
- Professor Stewart [REDACTED]
[REDACTED] [See Appendix A11-Professor Stewart's Annual Performance Evaluations (2019-2021)]
- The university documentation includes the 2019 final report from the FSU misconduct inquiry committee and the 2020 final committee report. The reports indicate that the misconduct claims were rejected by multiple expert panels. [See Appendix A1.1-Florida State University Inquiry Report 2019, and Appendix A1.2-Florida State University Inquiry Report 2020]
- The university documentation does not include the 2021 final inquiry report from FSU. The third inquiry focused on standard deviations in a number of Professor Stewart's publications, a topic which Dean Blomberg bases most of his concerns. The report indicates that the misconduct claim was rejected by the expert panel. [See Appendix A1.3-Florida State University Inquiry Report 2021]
- The intent to terminate letter highlights concerns with Professor Stewart's data security protocols. The letter indicates the requirement to keep data and data records in perpetuity. This stated requirement differs from the university policy (7A-26) to retain as needed per usage/license requirements. Additionally, this stated requirements differs from policy of data granting organizations that Professor Stewart was engaged with. [See Appendix A4-Data Use and/or Security Documents]
 - Dean Blomberg implies in his point-by-point response that Professor Stewart inquired about a data erasure program with a college colleague. Professor Stewart did not complete such an action. His colleague, Dr. Warren Hightower, was the faculty member who asked about such a program for her doctoral student. Dean Blomberg indicated via return email to Dr. Warren Hightower that he did not believe the claim that Professor Stewart inquired about the data erasure program. [See Appendix A4.2-Email with ICPSR

Staff, Dr. Warren Hightower, Russell LeVasseur, and Jonathan Reid Regarding ICPSR Data Access Request and Data Security Plan (email thread dated 6/20/20)]

- The intent to terminate letter indicates that the misconduct inquiries were ineffective and no finding was achieved. Each inquiry committee provided a final recommendation with no need for an investigation. The reports were approved by the Deciding Official, the Vice President of Research, who makes the final determination of allegations of misconduct and any institutional administrative actions. [See FSU Policy 7A-2 (*Misconduct in Research, Creative Activity, and Scholarship*) at <https://regulations.fsu.edu/sites/g/files/upcbnu486/files/policies/research/FSU%20Policy%207A-2.pdf>]
- The intent to terminate letter relies on Dean Blomberg’s point-by-point review (university exhibit #14) of the investigatory interview conducted by Rebecca Peterson. Dean Blomberg states that Professor Stewart’s responses are vague. Professor Stewart’s responses were made to Rebecca Peterson, a non-expert in criminology, statistics, data management, and related matters central to this case. Professor Stewart’s responses reflect a conversation between an academician and a layperson. He tempered his responses for his audience. As noted by expert panelists selected by FSU in the research misconduct inquiries, Professor Stewart provided extensive answers to their questions. The expert panelists did not find Professor Stewart to be vague or evasive in his responses. [See Appendix A5-Office of Human Resources Investigatory Interview of Professor Stewart, Appendix A1.1-Florida State University Inquiry Report 2019, Appendix A1.2-Florida State University Inquiry Report 2020, and Appendix A1.3-Florida State University Inquiry Report 2021]
 - In the point-by-point review (university exhibit #14) of the investigatory interview, Dean Blomberg treats Professor Stewart’s responses as data from which technical information can be gleaned. This is not an appropriate method to determine competence at data analysis.
- Professor Stewart was abruptly removed from teaching duties on Friday, March 10th, and an automated response was posted via university systems on Saturday, March 11th, falsely indicating that he was no longer at the university. The UFF collective bargaining agreement states that the conditions that warrant immediate removal and access to campus are situations where a faculty member’s actions adversely affect the functioning of the university and/or jeopardize the safety or welfare of the faculty member, their colleagues, or students. The policy may be found at <https://hr.fsu.edu/sites/g/files/upcbnu2186/files/PDF/Publications/BOT-UFF-CBA-2022-2025.pdf>. [See Appendix A10-FSU Auto-Response Notice that Professor Stewart is No Longer at the University]
- The termination letter indicates Professor Stewart’s actions as harming the college, the university, and the field of criminology. No documentation provided by the university substantiates the claims of harm to the college, university, or field of criminology. In addition to [REDACTED]
[REDACTED] positive student testimonials, and awards received by the College of Criminology & Criminal Justice are provided in the packet. Indeed, the faculty meeting agenda (Appendix A15.3) for the college shows an increase in grant funding. [See Appendix A12-Samples of Positive Testimonials for Professor Stewart, Appendix A13-Samples of Professor Stewart’s Service to the Profession, Appendix A14-Samples of Professor Stewart’s Expertise in the Field, and Appendix A15-Grants, Awards, and/or Accolades Received by FSU College of Criminology & Criminal Justice]

- Professor Stewart has been the victim of harassment due to the publicizing of misconduct claims against him. [See Appendix 6-Evidence of Harassment and Related Legal Action]
- Confidentiality was not maintained in the FSU research misconduct inquiry process. The complainant published articles and posted responses on social media. FSU Policy 7A-2 indicates that there will be confidentiality to all those involved in the research misconduct proceeding as required by applicable law and institutional policy. [See Appendix A7-Email from Professor Stewart to Dr. Ostrander and Diana Key Stating Concern with Dr. Pickett’s Public Posting of Materials During the Inquiry Process]
 - FSU Policy indicates that efforts will be undertaken by the FSU Research Office to restore the reputation of the employee following a non-determination of research misconduct. No such efforts were taken in response to Professor Stewart’s inquiries. Per an addendum to FSU Policy 7A-2 titled “Procedures Concerning Allegations of Misconduct in Research, Creative Activity, and Scholarship” (page 17, section titled *Restoration of the Respondent’s Reputation*), the PHS Regulation requires the University to undertake “diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed.” Institutions are asked to report in the Annual Report the efforts they have undertaken to restore reputations of exonerated individuals.
 - The FSU Office of Research loss data records provided by Professor Stewart. [See Appendix A8-Loss of Professor Stewart’s Data Records by Florida State University Office of Research]
- Other faculty at FSU who have errors in their research and are not being held to the same “error-free” standards of research as Professor Stewart. Additionally, a number of FSU faculty have retracted research articles and maintained their employment at the university. [See Appendix A9-Evidence of Differential Treatment]

To end, Professor Stewart remained a productive citizen of the College of Criminology & Criminal Justice despite the treatment he has received. The inaction of the university and Dean Blomberg to restore Professor Stewart’s reputation, as well as the actions of placing him on administrative leave and announcing via auto-response that Professor Stewart is no longer at the university, have served to damage his professional reputation. Indeed, a routine internet search of Professor Stewart’s name will result in scores of results with false reports about his case. Professor’s Stewart’s research explores race, violence, and social justice. In the current political climate, it has become increasingly difficult for academicians to continue research efforts on such topics. It remains unclear if political pressures resulted in the differential treatment of Professor Stewart. If Dean Blomberg had such dire concerns about Professor Stewart’s competence, why did he allow Professor Stewart to continue his assigned teaching and doctoral directing duties? The actions taken against Professor Stewart demonstrate policy and/or procedural violations that have led to a termination decision that is arbitrary and capricious in nature.

Point-by-Point Response to Intent to Terminate Letter

Point-by-Point Response to Intent to Terminate Letter

The following narrative is provided in response to the intent to terminate letter presented to Professor Eric Stewart on Friday, March 10th. Professor Stewart has provided narrative refuting claims set forth in the letter. The decision to terminate Professor Stewart is considered arbitrary, capricious, and discriminatory in nature. In the point-by-point response, bolded italicized wording represents statements abstracted from the intent letter. Documentation has been provided by Professor Stewart to support his case against termination.

There was consensus from the members of the Inquiry Committee that someone sophisticated enough to routinely use a desktop computer, laptop computer and iPad understands that computer systems can periodically fail and, thus, that safeguards and backups must be implemented.

Response: *This is a false statement. A thorough review of the final inquiry committee reports approved by Florida State University (FSU) and Georgia State University (GSU) shows that these documents do not contain such wording. [See Appendix A1]*

Further, the statement indicates a failure to consider retention protocols that Professor Stewart was following. There is no consideration of data usage agreements that require researchers not to utilize cloud storage, not to utilize external hard drives, not to utilize networked computers, not to maintain files after defined periods, and so forth. [See Appendix A4] As presented in the letter, desktop computers, laptop computers, and iPads are routinely backed up to external drives or to the “cloud.” Professor Stewart’s utilization of these methods in some instances, would have been a violation of data usage agreements.

Professor Stewart followed proper data usage agreements that required him to destroy the data at the end of the usage period. Professor Stewart has provided an example of a data usage agreement. Additionally, Professor Stewart has provided an email with his colleague, Dr. Warren Hightower, where the Inter-University Consortium for Political and Social Research (ICPSR) required deletion of stored data at the end of the research period. [See Appendix A4.2] In the communication, the research analyst from ICPSR makes it clear that the data must be stored on a computer that cannot be connected to the internet and a monthly scan must be conducted to remove the data from all temporary files monthly and at the end of the project. The email exchange was between Professor Stewart’s colleague, Dr. Warren Hightower, Russell LeVasseur (former IT Manager for the College of Criminology and Criminal Justice), Johnathan Reid (doctoral student), and ICPSR. Professor Stewart co-supervised the student’s dissertation committee. Next, Professor Stewart worked to ensure that all data and records were secure and that he was following security protocols. Not adhering to such standards would jeopardize being able to secure protected data from a major data source. Moreover, it is important to note that the data security agreements for the Office of Research Integrity, the National Science Foundation (NSF), and the National Institutes of Health (NIH: [8.4.2 Record Retention and Access \(nih.gov\)](https://www.nih.gov/oc/8.4.2-Record-Retention-and-Access)) indicate data retention periods of 3 years from the finalization of any project. The questions about Professor Stewart’s 2011 manuscript and the 2004 Justice Quarterly article did not occur until 2019 and 2020, respectively. This is 5 and 13 years beyond the required standard protocol. It is important to note that at the time of the first research misconduct inquiry in July of 2019, Professor Stewart still had data records and he was working on making corrections to the published articles. The committee specifically asked Professor Stewart to present data records and output with the syntax. That committee found no evidence of fraud or research

misconduct and their recommendation was signed off on by Dr. Gary Ostrander, the former Vice President of Research. Dr. Ostrander was tasked with being the Decision Official who makes the final determination of research misconduct (see page 15 of FSU Policy 7A-2).

Given the accusations you faced, failing to back up the data that was being questioned as part of a Research Misconduct Inquiry was extremely careless, and demonstrates gross negligence and incompetence.

Response: *The assertion that it was extremely careless to fail to back up data that was being questioned as part of a Research Misconduct Inquiry thereby demonstrating gross negligence and incompetence is faulty at best and does not rise to the standard of an offense worthy of termination. As a matter of context, Professor Stewart’s hard drive crashed on his university-issued laptop. At the time of the hard drive crash (December, 2019), the first inquiry committee had already rendered a decision 4 months prior. The final committee report was signed off on by Dr. Ostrander (former FSU VP of Research) at the end of July in 2019. Additionally, Professor Stewart was fully transparent with each inquiry committee. He turned over everything they requested. During the first inquiry, Professor Stewart provided the committee with all the data records they requested. Per the report, the committee was able to review significant data records provided by Professor Stewart. Next, NSF opened an investigation regarding the misconduct claim as standard for grant-related projects, Dr. Stewart had no knowledge of this until July 2021. Professor Stewart was not informed in a timely manner that he was being investigated about an article that had been retracted 2 years prior.*

After the inquiry committee reached a decision and it was signed by Dr. Ostrander, Professor Stewart understood the process as being complete. Additionally, he continued to teach courses and publish. Moreover, the FSU Office of Research indicated in both June and July of 2019 that they would maintain all of the data records and output, as well as materials submitted by Professor Stewart, for seven years. This retention of files by FSU did not occur as Professor Stewart received an email on March 2, 2023 from FSU Associate General Counsel Gavin Burgess indicating that his files were lost. [See Appendix A8] In the email, FSU’s general counsel, Attorney Gavin Burgess, notes that some of the files that were presented to the research office in 2019 were not retained because an employee had moved to a remote position. Further, Attorney Gavin indicated to the NSF representative that the data records Professor Stewart provided on July 8th, 2019 were lost. He notes, “Upon a thorough review, we are unable to locate the records. As a result, we were unable to produce the records in response to the initial subpoena request...” Utilizing the same logic presented (and applying the same standard) in the italicized statement abstracted from the intent letter, the loss of Professor Stewart’s files in less than 7 years demonstrate both gross negligence and incompetence by FSU. Professor Stewart has done everything he has been asked to do and he has been transparent, honest and non-confrontational with those who have tried to harm his professional reputation with unfounded allegations of misconduct. Despite being called a fraud and being subjected to numerous inquiries and investigations, Professor Stewart remained committed to the service of FSU through his continued teaching, research, and service activities.

Moreover, [REDACTED] and emails regarding restoration of his reputation. [See Appendix A11] Professor Stewart was completely blindsided and devastated by the turn of events that led to the notice of intent to terminate received on March 10th.

Next, as noted in Professor Stewart’s prior response, the data for the second inquiry were publicly available. The committee had access to the data and were able to simulate much, but not all, of what Professor Stewart did in his original article. Although Professor Stewart’s data records were not available, the data were publicly available from the National Center for Education Statistics (NCES)

which is the organization that collected the data. The paper in this inquiry was published more than 17 years prior while Professor Stewart was a faculty member at Georgia State University.

The FSU and GSU inquiries were limited in their effectiveness because you again indicated that the relevant data to evaluate the veracity of your data analyses were no longer available.

Response: This statement is troublesome as it questions the efficacy of processes that both FSU and GSU have institutionalized. What is further alarming is why the efficacy of the FSU process is being questioned with Professor Stewart where it has not been questioned with other researchers. [See Appendix A9] Such blatant differential treatment is, to say it again, troublesome. Additionally, it is important to note that the abstracted statement is in reference to inquiries where the data used were publicly available and Professor Stewart recreated data code for inquiry committees' use. In both inquiries, the FSU and GSU committee members note that they were able to recreate the sample in the published manuscript. They were able to do this because the data were publicly available. The lack of clarity and transparency in this claim demonstrates the intentional and willful act of the Dean to paint Professor Stewart as incompetent. This is another example of a false statement in the intent to terminate letter.

Furthermore, Professor Stewart followed every procedure outlined by FSU. It is unfair and a violation of FSU's policies and procedures to state after the completion of the inquiry process that the FSU and GSU inquiries were ineffective. If FSU invalidates their own process, is that Professor Stewart's responsibility or that of the university? It is a violation of FSU's own policy stated in 7A-2 for anyone other than the Deciding Official (Vice President of Research) to make a determination of research misconduct or fraudulent behavior in the conducting of research. Based on the termination letter, Dean Blomberg is making this decision.

It is important to note here that the third inquiry was not based on an allegation of research misconduct. The anonymous complaint indicated that there were errors in some of the reported binary standard deviations. The complainant went through Professor Stewart's published research, found inconsequential mathematical errors, and reported them to the FSU Research Office. The mistakes the complainant identified in Professor Stewart's research are consistent with routine, correctable errors found in published research by social scientists. Indeed, the inquiry committee's findings note that the complaint focused on a statistic that had no bearing on the studies' findings. Professor Stewart has provided citations and tables from several published manuscripts with similar errors. Mistakes happen in the scientific endeavor and are not labeled as fraud as vigorously as the work done by Professor Stewart. Professor Stewart made correctable errors in transcription and coding that, without interference from his accusers, could have been noted as errata in the respective journals, which is a common practice. None of the mistakes made by Professor Stewart were purposeful and could easily fall within the realm of mistakes that routinely happen in the research endeavor. Moreover, Professor Stewart did not receive written feedback from the research compliance officer (Diana Key), the Vice President for Research (Dr. Gary Ostrander or Dr. Laurel Fulkerson), or Dean Blomberg during or after the 2019, 2020, and 2021 inquiries indicating that the inquiries or the conclusions reached by the inquiry committees were limited in their effectiveness. The abstracted statement from the intent letter calls into question the validity of the FSU inquiry process. Why would FSU have a stated process and policy if the goal is to invalidate it when the findings are not suitable for a desired result by outside parties? Further, signed documentation and an email show that the former Vice President for Research (Dr. Gary Ostrander) accepted the findings and recommendations of the Inquiry Committee. [See Appendix A1.1, A1.2, and A1.3] A person external

to the inquiry process has deemed the process as lacking in its effectiveness after its conclusion. This is problematic as it suggests that individuals can manipulate the inquiry process to fit a desired outcome.

Providing output and tables without the actual data from which the output and tables were derived prevents third party replication and is directly contrary to acceptable scientific research standards (i.e., National Institutes of Health, Conduct of Research 7th Edition, 2021:10).

Response: *The point made in this abstracted statement has been taken out of context. The question asked by Rebecca Peterson during the HR investigative interview was: “In undertaking the analysis of the data for the five papers, did you have anyone review your analysis or methodologies in analyzing the data?” Professor Stewart’s response per the interview transcript: “I shared the analysis with all of the co-authors. Sometimes I showed them the output and sometimes I put the results in tables. We talked about different ways to run the statistical analysis. It also depends on what questions we are trying to answer. For each paper, we worked as a team to develop ideas, determine proper methodologies, discuss analyses and findings, and more.” The snippet from Professor Stewart’s HR interview was taken out of its original context in a manner which implied a research practice that he did not engage in. Indeed, there is no violation in working with colleagues in the manner that Professor Stewart has outlined. In most collaborative research projects, that is how the process goes. It is truly unclear how such actions are represented as a violation of scientific research standards. Professor Stewart was transparent in his research and shared information with his co-authors. [See Appendix A3 email from Dr. Mears, and A16, letters from Dr. Warren Hightower and Dr. Johnson]*

Regarding the six retracted papers (five withdrawn voluntarily by you and your co-authors and one by the publisher), to date the FSU Research Misconduct Inquiries (2019, 2020, and 2021) have not led to a satisfactory resolution, as noted above. You have not been exonerated of wrongdoing, found to have engaged in misconduct, or recommended for a full investigation. The Inquiry Committees, composed of faculty members charged to look at specific instances of your retracted papers and any related misconduct, have been unable to reach a definitive outcome because they have not obtained from you (or elsewhere) the necessary data to make a final conclusion as to whether research misconduct has occurred. This uncertainty has placed you, the College of Criminology and Criminal Justice, its faculty, its students, FSU, and the broader Criminology research community in a problematic and uncertain position.

Response: *This is a false statement. It is also important to note that the original five papers were retracted at the request of Dean Blomberg, on behalf of former FSU President Thrasher and former FSU Provost McRorie. This request to retract was made in the presence of Dr. Patricia Warren Hightower. [See Appendix A16.4] Further, in 2020, during the second inquiry committee process, FSU had access to data as those data were publicly available. By this time, Professor Stewart’s hard drive had crashed (December 2019) but the committee members were able to access the data utilized in the identified manuscript directly from the organization that collected the data’s website. Utilizing the publicly available data, the second inquiry committee did not find sufficient evidence to find Professor Stewart guilty of misconduct, or sufficient evidence to warrant a full investigation. This finding was also substantiated by the Georgia State’s inquiry committee. [See Appendix A1] Dean Blomberg had been apprised of each inquiry committee’s findings.*

Importantly, the claims of research misconduct were not substantiated. Professor Stewart has gone through four inquiries and none of the inquiry committees substantiated claims of research misconduct. The former Vice President of Research (Dr. Gary Ostrander) indicated acceptance of committee findings

via signature and email. Additionally, Dr. Ostrander confirmed the same to one of the editors at Criminology. [See Appendix A16.5, letter from Dr. Janet Lauritsen] Inquiry committee reports received by Professor Stewart do not indicate that a definitive outcome has not been reached or that a final conclusion has not been made. A decision was reached and signed by the VP of Research. As such, this statement is problematic as it is contradictory to the documentation provided to Professor Stewart. Moreover, on page 6 of an FSU document titled "Procedures Concerning Allegations of Misconduct in Research, Creative Activity, and Scholarship," it states: "Inquiry Committee Decision Criteria - Upon concluding its inquiry, the Inquiry Committee shall decide by majority vote whether sufficient credible evidence exists to warrant a full investigation of any or all of the allegations." If the committee does not decide that an investigation is warranted, a final recommendation is made and approved by the Vice President for Research.

Moreover, it is unclear how Professor Stewart has placed the "College of Criminology and Criminal Justice, its faculty, its students, FSU, and the broader Criminology research community in a problematic and uncertain position." No documentation was provided by Dean Blomberg showing how Professor Stewart has placed these entities in an uncertain position. This is a very libelous statement to make about Professor Stewart and assumes that Professor Stewart is solely responsible for the vibrancy of the College, its faculty and students, the University, and the entire field of Criminology. This is certainly an unreasonable burden that has been placed on Professor Stewart's shoulders. More directly, it is very troubling that the university would blame Professor Stewart for the negative and differential treatment that he has received because of the false accusations. Indeed, this is truly blaming the victim for being victimized. Since 2019, Dr. Stewart has co-chaired 4 dissertations, and each of the students has secured employment at universities or governmental agencies. These students are thriving and doing well. In addition to those 4 students, Professor Stewart has served as a committee member on 4 dissertations. He was also recognized by an undergraduate student who noted in their Fall 2021 course evaluation that "Dr. Stewart is an amazing professor who really cares about his students. He lectures in ways that keep us interested and interacted. He proposes questions that encourage us to think critically in order to better understand the subject matter. Dr. Stewart also allows us to ask questions about things we don't fully understand and communicates in various ways that he believes will give us the best explanation. He makes sure we're prepared for every test or quiz and provides us with all the necessary tools for success. I look forward to going to class because he's always so uplifting and positive!" [See Appendix A12] In addition, Professor Stewart remains active in the discipline. He has served as an external grant reviewer for the Center for Disease Control and he continues to review articles for the top journals in the disciplines of Criminology and Sociology. Since 2019, Professor Stewart has reviewed for the following top-tier journals: Criminology (8x), Justice Quarterly (3x), Journal of Research in Crime and Delinquency (4x), Social Forces (2x), and Social Problems (1x). He was also asked by the current Director of the Bureau of Justice Statistics (Dr. Alex Piquero), who was the Chair of Sociology at the University of Miami, to consider applying for a faculty position in 2021. In addition, the National Science Foundation contacted Professor Stewart in March 2023 and asked him to serve as a grant reviewer. In fact, he was in the midst of completing grant proposal reviews when he was presented with the letter of intent to terminate his position due to purported damage to the field. In addition to the above endeavors, Professor Stewart continues to mentor students and publish. In stark contrast to the indication in the abstracted statement that Professor Stewart is a detriment to the field of Criminology, he was the only faculty member from the FSU College of Criminology and Criminal Justice invited to the private presidential reception for the American Society of Criminology conference held in Atlanta, Georgia in November 2022. The American Society of Criminology is the premier society for the field of criminology and criminal justice. [See Appendix A13, A14, and A15]

Following that interview, a review of your responses was conducted. In the review, it was found that your responses were often vague, inaccurate, misleading, and/or noncomprehensible. For example, when you were asked about your training in statistical analysis, you responded that it was pretty extensive. However, if that was true, then it seems implausible that you would have created the mistakes that you did in your studies, such as the repeated errors in merging and coding data. Further, in attempting to explain your failure to properly maintain data, you noted that you had stored the data on a laptop.

Response: *If non-technical answers are being interpreted as incriminating evidence, then the lack of follow-up questions constitutes a lack of due process. Professor Stewart was not afforded an opportunity to satisfy Dean Blomberg's unstated demand for technical answers. A review of Professor Stewart's investigatory interview responses was completed by Dean Blomberg. To any observer, it would appear problematic (albeit biased) to have the supervisor seeking to fire an employee be the only person reviewing the responses. Professor Stewart has gone before four inquiry committees, across two separate universities. The members of the committees each had extensive quantitative training and none of the committees reported sufficient evidence to find Professor Stewart guilty of misconduct. As shown in Professor Stewart's response to Dean Blomberg's point-by-point response (university exhibit #14) to the investigatory interview, statements made by the Dean are inaccurate and often misleading.*

Moreover, Professor Stewart's initial interview with Rebecca Peterson (Senior Associate Director) in FSU's Human Resources (HR) Office occurred in April 2022. Professor Stewart did not have interview questions beforehand or a sense of the scope of the interview. After reviewing the transcription of the interview for corrections, Professor Stewart had no other contact from HR until March 2023. Professor Stewart received an email from HR on Wednesday, March 8th, requesting a follow-up to the 2022 meeting. There was no attempt made by HR to follow up with Professor Stewart on responses that were deemed unsatisfactory (i.e., vague, inaccurate, misleading, and/or incomprehensible). The HR representative admitted that she knew little about data and statistics so Professor Stewart answered the questions to ensure clarity for Rebecca Peterson. The HR representative could have easily followed up with Professor Stewart for clarity. However, no attempt was made to do so. How was Professor Stewart afforded due process if he was not allowed to respond to concerns? Given the severity of the situation, the consideration of Professor Stewart's employment status, it would seem especially worthwhile for HR to have followed up with Professor Stewart for clarity on statements of concern; to follow up with Diana Key (FSU Research Office) regarding responses and/or documentation provided by Professor Stewart on a number of occasions confirming what was said in the HR investigatory interview; and to follow up with the FSU Research Office to examine transcripts of the inquiry committees and feedback from the selected expert committee members. The letter of intent to terminate immediately indicates that this was not done and begs the question "Why not?"

The legitimacy of the HR investigatory process is called into question. According to the FSU Faculty Handbook (Page 57, sub-section titled Investigation and Resolution), "The objective of any investigation is to determine all of the relevant facts surrounding the incident (i.e., the who, what, when, where, why, and how) and secure any relevant evidence." Additionally, as indicated on the Faculty Relations website, the office "...provides a variety of services to assist in the resolution of employment-related conflicts, disputes, complaints, and inquiries, as well as interpretation and application of applicable policies and procedures, in an independent and neutral environment." These ideals are called into question when inaccurate information is being utilized as a means by which to terminate Professor Stewart. This action violates the minimum precepts of fairness and due process. Further, to accuse someone of misleading statements is akin to calling them a liar. Such a negative characterization of a minority scholar who has been a productive and valuable member of the College of Criminology runs counter to the university's celebration of diverse faculty who studies unpopular topics such as race, ethnicity, and justice.

*Throughout his academic and professional career, Professor Stewart has received extensive statistical training. Such training, however, does not remove the possibility that analytical errors can occur. The assumption or claim that someone who is trained in a field cannot make mistakes lacks a more nuanced understanding of the research endeavor. It is unclear why such a faulty statement would be made by someone at a research university. For years, scholarly journals have published errata or corrigenda from researchers who realized they had errors in their work and were permitted to revise their studies. To insinuate that Professor Stewart cannot make mistakes because he is trained is troubling at the very least. Recently, one of Professor Stewart's colleagues in the FSU College of Criminology and Criminal Justice, someone who is one of criminology's premier experts in quantitative methods, had to publish an errata in the journal *Youth Violence and Juvenile Justice* because the data that she was given was full of mistakes. The faculty member did not catch the errors before estimating statistical analyses on the data and publishing an article from the faulty data. The mistake was found after the article was published. Moreover, there are several faculty currently employed across FSU who have had papers retracted and none of them has been subjected to the level of treatment Professor Stewart has endured. There are also faculty members in the College of Criminology with published errors in their research. [See Appendix A9] It is not uncommon to see mistakes in research for the most experienced and accomplished researchers. Such actions do not constitute fraud, research misconduct, or incompetence. Why are the errors made by Professor Stewart being held to higher standards than errors made by his colleagues?*

Standard research practice dictates that backing up data would include keeping data in multiple places such as a work computer, a cloud drive, and an external hard drive, if permitted.

Response: *As indicated in the abstracted statement, backing up the data can only be done "if permitted." Such a statement can be contradictory to research practices required by agencies like ICPSR, and the National Center for Education Statistics (NCES). Indeed, Professor Stewart and his colleague Professor Warren Hightower have pursued obtaining protected data from ICPSR and NCES. Professor Warren Hightower and Russell LeVasseur met with ICPSR staff regarding data access. ICPSR requires that data be stored on a separate computer not connected to internet, not be shared, not leave the investigator's office, and have eraser software to delete files on a defined schedule. [See Appendix A4.2] Data usage agreements that Professor Stewart adhered to prohibited storage of restricted files on external storage devices, cloud storage, and so forth. The laptop computer that Professor Stewart stored data on was a university-issued device that was not connected to the network. Professor Stewart did not store his restricted files to an external drive or to cloud storage. As presented in the intent letter, it is the desire of FSU to have Professor Stewart commit violations by storing data in unacceptable ways.*

Professor Stewart's research often investigated individual behavior along with those of social control agents in context (i.e., block group, neighborhood cluster, or county location). Having individual characteristics such as addresses, phone numbers, grade transcripts, disciplinary records, and video recordings of family interactions are considered protected data. Thus, the standards required to secure and protect these data from unwarranted hacking blocks scholars from storing data in the cloud or on computers that are connected to the internet.

Also, you indicated that you often delete your data after two to three years because of sensitivity. Numerous researchers employ sensitive data that they do not delete but rather maintain following established or required protocol to protect the data.

Response: Similar to the researchers indicated in the statement, Professor Stewart follows research protocols as directed by the data granting entity. Data use agreements adhered to by Professor Stewart indicate the periodic deletion of data or shredding of files. [See Appendix A4]

Further, the letter given to Professor Stewart references a 2021 NIH publication (*Guidelines and Policies for the Conduct of Research in the Intramural Research Program at NIH*). A full review of page 10 in said document indicates how records **should** be maintained. The narrative states that “All intramural research records must be maintained for at least 7 years after completion of the project...” Further down the same page, the narrative indicates that “Researchers should only use storage mechanisms that are approved...” Professor Stewart was following data usage directives that were provided to him. Additionally, physical damage due to sunlight or water is also indicated on the page. There is no allowance given to Professor Stewart for loss due to natural causes. Professor Stewart’s computer hard drive crashed through no fault of his own. Physical damage to paper files, diskettes, and recordable CDs boxed and stored is not extraordinary or unexpected. In addition to moving from one campus building to another, Professor Stewart has relocated from state to state during his academic career. Such relocations would necessitate items being boxed and stored. The case is being made against Professor Stewart that he should have known that his computer would malfunction; that he should have known years in advance that physical damage of stored records were inevitable; and he should have violated data use agreements by backing up his files in unacceptable formats (i.e., cloud storage, external drive). Of additional note, the intent letter is written as if there is a singular standard for maintaining data and data records. This is not the case as agencies such as NSF, NIH, and ICPSR all have their own defined data usage standards for researchers. As indicated, the intent letter referenced a 2021 NIH publication (*Guidelines and Policies for the Conduct of Research in the Intramural Research Program at NIH*). The narrative in the publication states that “All intramural research records must be maintained for at least 7 years after completion of the project...” However, the Office of Research Integrity (ORI), recommends retention of data and records for 3 years from the date the financial report was submitted. Further, the National Science Foundation recommends retention of data for 3 years after the submission of all reports (https://ori.hhs.gov/education/products/rcradmin/topics/data/tutorial_11.shtml). The NIH (grants; section 8.4.2) notes that data should be maintained for a period of 3 years after the final report is submitted (https://grants.nih.gov/grants/policy/nihgps/html5/section_8/8.4.2_record_retention_and_access.htm). A review of FSU’s policy 7A-26 does not identify a singular, specified time period for data retention. The policy also does not set forth how data should be stored or backed up. Indeed, the policy recognizes that there is variability in how long data should be retained and stored. The policy points to discipline specific standards or granting agency standards. For example, under the Collection and Retention section of the FSU policy, bullet point #2 states, “Routine published data should be retained for an appropriate period consistent with standard practices or requirements within a discipline, funding agency, or department, or for a fixed period of time.” Further, under the Data Security section of the FSU policy, bullet point #3 states “Destruction of data must be done thoroughly and effectively. Paper records should be shredded. Electronic records must be erased in a manner that completely eliminates the file, potentially by multiple pass erasures.” (<https://regulations.fsu.edu/sites/g/files/upcbnu486/files/policies/research/FSU%20Policy%207A-26.pdf>). Indeed, the approach followed by Professor Stewart was consistent with ORI, NSF, and NIH procedures for maintaining data and data records, as well as purging restricted data after a specified time consistent with user agreements. Professor Stewart’s deletion of files was not an arbitrary process as is inaccurately portrayed. On a routine basis, Professor Stewart would review files to ensure adherence to data usage and retention requirements. Such an action was responsible practice to ensure compliance with data usage agreements. Professor Stewart would remove files that were well beyond an acceptable retention period. There is no requirement to keep files in perpetuity.

Further, you indicated that you provided the Inquiry Committee with information (namely output and tables), but you failed to provide the Inquiry Committee with the data for the output and tables. Therefore, the three Misconduct Committees could not reach a conclusion about the research misconduct allegations that were lodged against you as you failed to provide access to the data that the questioned studies were based upon.

Response: This is a false and misleading statement. All the committees reached a conclusion and found insufficient evidence to find Professor Stewart guilty of research misconduct. Moreover, data records are more than raw data. On page 2 of the report noted by Dean Blomberg, NIH notes that data records include but are not limited to raw data. It also includes any research records utilized in research including, preliminary analyses of data (statistical output), computer software used in data processing, statistical analysis, and digital image manipulation, drafts of manuscripts and final publications, and correspondence with journals (see https://oir.nih.gov/system/files/media/file/2021-11/guidelines-conduct_research.pdf).

Additionally, Professor Stewart was not directed by the 2019 Inquiry Committee to provide the raw data. The committee specifically asked for the syntax code, data output and other data records to compare to the published works. If the Inquiry Committee had asked Professor Stewart at the time of the initial inquiry, he would have been able to provide them with the raw data. He submitted everything they asked for. Professor Stewart also began work revising the impacted publications before he received the request from Dean Blomberg to retract the articles.

The second Inquiry Committee (2020) had access to the data because they were publicly available. In fact, Professor Stewart utilized National Educational Longitudinal Study data from a compact disc to complete his study over 17 years ago. Since the publication of the article, the data had been cleaned (updated) and were made available via ICPSR and NCES. The third Inquiry Committee (2021) did not have data because of Professor Stewart's hard drive crash in December 2019. Further, the Office of Research confiscated Professor Stewart's office computer, laptop, and iPad before he met with the Inquiry Committee (2021). Given that Professor Stewart had no devices, there was no way for him to check for data. In spite of this, the inquiry committee comprised of well-regarded statisticians indicated that the complainant focused on errors that had no impact on the findings of the articles.

According to FSU policy, the inquiry should be completed as quickly as possible, but no later than 60 calendar days from the initiation of the inquiry. If circumstances clearly warrant a longer period, an extension may be approved and the inquiry record will include documentation of the reasons for exceeding the 60-day period (see FSU policy section titled Time for Completion). No notice was provided to Professor Stewart regarding the need for an extension due to the lack of a conclusion from the committees (see page 5: <https://www.research.fsu.edu/media/7060/misconduct-procedures.pdf>).

Further, stating that the committees could not reach a conclusion is contrary to each final report that was received by Professor Stewart. Each final report contained a recommendation from the committee. The former Vice President of Research (Dr. Gary Ostrander) approved the recommendation as indicated by signed documentation and email. If the inquiries were insufficient, why was this not communicated to Professor Stewart in 2019, 2020, and 2021? The post hoc reassessments of the effectiveness of the inquiry committees is unfair. Why is the effectiveness of the inquiry committees being questioned now and with Professor Stewart? Are other scholars who have insufficient claims of research misconduct further subjected to questions challenging their ethics, training, and intelligence?

Based on the totality of the information and the glaring demonstration of data mismanagement and the unprecedented number of articles retracted, I find that the evidence supports a termination for incompetence and negligence in the performance of your duties.

Response: The abstracted statement indicates that there was a “...glaring demonstration of data mismanagement...” This is a false statement based on misleading information. The statement does not take into consideration data usage agreements that Professor Stewart adhered to, as well as physical damage due to passage of time. The abstracted statement further indicates that there was an unprecedented number of articles retracted. The term “precedent” suggests that an earlier occurrence of something similar has happened. No other faculty in the FSU College of Criminology and Criminal Justice have had their research record scrutinized at the level of Professor Stewart. No other faculty members in the College have had to endure over four years of professional harassment as has Professor Stewart. Dean Blomberg was so convinced that Professor Stewart was being harassed and mistreated that he was willing to assist him with hiring a lawyer. Emails provided document the legal meetings that Dean Blomberg worked to set up on Professor Stewart’s behalf. [See Appendix A6] The purpose of these meetings was to hire a law firm to write a cease and desist letter directed at Dr. Justin Pickett. In addition to filing multiple misconduct charges against Professor Stewart, Dr. Pickett violated confidentiality and anonymity requirements that would ensure a fair inquiry process. [See Appendix A7]

Further, letter of intent fails to mention that Professor Stewart was directed to retract the articles by Dean Blomberg while in the presence of Dr. Warren-Hightower. In fall of 2019 after meeting with then President Thrasher and Provost McRorie, Dean Blomberg met with Professor Stewart and Dr. Warren-Hightower in Professor Stewart’s office. During the meeting, Dean Blomberg informed the two that President Thrasher and Provost McRorie would like for Professor Stewart to retract the articles for the greater good of the university instead of continuing to make corrections. Although he was reluctant to retract the articles given all of the work it took to develop them, Professor Stewart was a subordinate and felt he had no other choice but to follow his supervisor’s directive. Now, years after doing what he was told to do by Dean Blomberg, Professor Stewart is being penalized with employment termination. The retractions are being interpreted by FSU as evidence against Professor Stewart. This is unfair treatment of Professor Stewart. Given his [REDACTED] service to the field, and continuing research endeavors, it is unclear exactly what Professor Stewart did to warrant such punishment.

Moreover, the abstracted statement refers to Professor Stewart as being negligent in the performance of his duties. As indicated by [REDACTED]

[REDACTED] In 2019 at the height of the social media misinformation campaigns, Professor Stewart received a [REDACTED] from the Dean. [See Appendix A11] Professor Stewart has continued to perform his job-related duties under extraordinary circumstances where he has been harassed for making unfortunate, but honest, mistakes. Professor Stewart has been a long-standing and respected colleague in the field of criminology as witnessed by his invitation to the ASC Presidential Reception and continued invitations to review journal manuscripts or serve on grant review panels for agencies such as the CDC or NSF. [See Appendix A13 and A14] Professor Stewart has stood firm under tremendous pressure with collegiality, grace and respect. That is something that should be applauded instead of dismissed.

You are fully responsible for the integrity of the results that are generated.

Response: As indicated in the recommendations of the first inquiry committee report, Professor Stewart was encouraged to work with the journals to submit revisions to his paper. Email documentation shows

Professor Stewart's attempts to revise the research record. The interference of Dr. Pickett in the inquiry processes and his contact with journals made the revision process difficult. Email documentation between Professor Stewart, Dr. Ostrander, and Diana Key show Professor's Stewart's frustration with Dr. Pickett's interference in the inquiry process. [See Appendix A7]

Moreover, in the same manner that Professor Stewart is responsible for the integrity of his results, so should FSU be responsible for the integrity of the research inquiry process, and Dean Blomberg be responsible for the accuracy of statements made relative to Professor Stewart. Solidly stating in an intent to terminate letter that inquiry committees are not closed despite the approval of the Vice President of Research is inaccurate. Challenging the effectiveness of inquiry committees at FSU and a separate institution (GSU) is problematic at best. Moreover, it is in violation of the FSU policy outlined on page 17 of the Procedures Concerning Allegations of Misconduct in Research, Creative Activity, and Scholarship (<https://www.research.fsu.edu/media/7060/misconduct-procedures.pdf>). It specifically notes that when no research misconduct allegation has been substantiated the university must take one or more of several actions to protect/restore reputations: (1) maintain confidentiality of proceedings; (2) inform all persons involved in the proceedings of the outcome; and (3) remove materials concerning the allegation from the personnel file of the exonerated individual. None of these actions was taken. Additionally, what responsibility does the research office bear with maintaining records? The Research Office is responsible for maintaining records for 7 years after the termination of the inquiry (see FSU policy section titled Documentation of Decision Not to Investigate). As indicated by FSU legal counsel Burgess in emails received by Professor Stewart, his files have been misplaced or destroyed. [See Appendix A8]

Your conduct has adversely impacted and reflected poorly on the University, the College of Criminology and Criminal Justice, its faculty and students, and the discipline of Criminology. This includes numerous expressed reservations from person who were considering joining the College, i.e., faculty and PhD prospections, questioning of our PhD students who are on the job market about the status of Stewart's misconduct allegations and about the integrity of their own data, numerous inquiries and stated concerns from our criminological peers around the country, potential negative consequences to the careers of your co-authors and students, questioning from current students about your credentials to teach given the misconduct allegations against you, and an overall cloud over FSU and the College in relation to the negative social media responses to the unresolved allegations of research misconduct against you.

Response: *The letter refers to the "conduct" of Professor Stewart. It is unclear what conduct Professor Stewart displayed other than that of a loyal criminology colleague. As outlined in the intent letter, Professor Stewart's conduct relative to data management is of central concern. Professor Stewart followed established standards set forth by reputable agencies. The narrow research standards presented in the intent letter clearly serve to penalize Professor Stewart despite evidence of countless standards tailored to varied disciplines. Professor Stewart showed the utmost level of professional conduct. He complied with each of the Inquiry Committees as required. Professor Stewart refrained from engaging in public responses to the allegations as he was advised to do such.*

Further, the letter lists unsubstantiated anecdotes and/or claims regarding Professor Stewart. The letter does not indicate verifiable written documentation regarding a direct negative effect of Professor Stewart on co-authors and students. A review of the documentation provided to members of the peer panel further shows no evidence pertinent to Professor's Stewart's conduct or any negative effect Professor Stewart has had on the university, college, or discipline. On the contrary, Professor Stewart has been the focus of

relentless negative social media attacks and harassing emails based on the original false premise that he fabricated data. Such statements as the one regarding “adverse impact” are slanderous. It is important to note that since 2019:

- *Students that Professor Stewart supervised have received gainful employment; been admitted into graduate/law programs; received tenure and/or promotion; and received awards for their research.*
- *Professor Stewart was invited to serve on the Spring 2023 National Science Foundation’s Law and Science Advisory Panel. [NOTE: Professor Stewart was in the midst of reviewing grant proposals when his email access was abruptly terminated. At the request of the Program Director (Dr. Naomi Hall-Byers), Professor Stewart was able to submit proposals he had completed up until he was placed on administrative leave.*
- *Professor Stewart was invited to serve as a scientific reviewer for the Center for Disease Control and Prevention’s National Center for Injury Prevention and Control. In this role, Professor Stewart participated in a peer review panel that assisted in making decisions to fund quality research projects in injury and violence prevention and control.*
- *Professor Stewart was invited to serve as an external review team member for American University’s Department of Justice, Law, & Criminology.*
- *Professor Stewart received favorable to exceptional student evaluations in his courses. A number of students provided Professor Stewart with personal cards and/or emails thanking him for his care, concern, and engaging teaching/lessons.*
- *Professor Stewart received favorable [REDACTED]*
- *Professor Stewart was instrumental in recruiting almost all of the recently promoted faculty in the FSU College of Criminology and Criminal Justice.*
- *FSU College of Criminology and Criminal Justice was recently ranked in the top 3 programs for faculty research production.*
- *FSU faculty and graduates have been received a number of awards or special recognitions. The college faculty continue to receive outstanding teaching awards, young scholar awards, and multi-millionaire dollar grants. In fact, in the most recent College of Criminology & Criminal Justice faculty meeting, the College’s grants office director noted that the college continues to receive grants at a high level and in the next year we will have an unprecedented amount of grant dollars in the college. [See Appendix A15.3]*
- *None of his co-authors have suffered from the attacks launched at Professor Stewart. For example, Dr. Eric Baumer became the Department Chair at Penn State University. Dr. Ashley Arnio, a former graduate student, was granted tenure. Dr. Dan Mears (current FSU faculty member) has received at least 3 prestigious awards. Dr. Miltonette Craig, a graduate student whose dissertation Professor Stewart chaired, moved from Illinois State University (teaching position) to Sam Houston State University (research-based position). Dr. Craig was recently awarded a grant by the political science institute at FSU and will be hosting a workshop at the university. Dr. Warren Hightower is currently the Director of Undergraduate Studies in the FSU College of Criminology & Criminal Justice. She has received several invitations to interview for Department Chair and Dean positions.*

While not a full accounting of all that has transpired since 2019, these examples clearly demonstrate that the careers of those around Professor Stewart are thriving and the College is not being negatively impacted by his presence. On the other hand, Professor Stewart is the lone person being impacted by allegations of research misconduct. Professor Stewart has been mercilessly harassed and mistreated.

However, what did the university do to restore the reputation of Professor Stewart after the completion of the inquiry process? Per FSU Policy (section titled Restoration of the Respondent’s Reputation), the PHS Regulation requires the University to undertake “diligent efforts, as appropriate, to restore the

reputations of persons alleged to have engaged in misconduct when allegations are not confirmed.” Institutions are asked to report in the Annual Report the efforts they have undertaken to restore reputations of exonerated individuals.

Was it reported that Professor Stewart was found not to have fabricated data? Was it reported that documentation was obtained verifying that Professor Stewart actually received data as he indicated? [See Appendix A3] Given accusations of improbable sample sizes, did the university report that several studies show otherwise? Did the university report that the accuser interfered with the inquiry process despite the misgivings of Professor Stewart? Per FSU Policy (section titled Protection of Respondent), “inquiries and investigations are conducted in a manner that ensures fair treatment to the Respondent and confidentiality to the extent possible without compromising public health and safety or thoroughly carrying out the needs of an inquiry and/or investigation.” How was Professor Stewart protected or ensured fair treatment when the accuser submitted multiple Freedom of Information (FOI) requests, posted the FOI information online, contacted the FSU Research Office numerous times for updates/information, and more? There was an abuse of FOI requests by the accuser, as well as undermining the research misconduct process. This process is meant to be anonymous thereby ensuring due process and fairness for the accused. This ordeal has not been fair for Professor Stewart. Per FSU policy, complainants are meant to maintain confidentiality. Dr. Pickett did not maintain proper decorum. As such, Dean Blomberg was working to assist Professor Stewart with securing legal counsel for a cease-and-desist order. In fact, Professor Stewart has an email from Dean Blomberg that mentions President Thrasher being made aware of a lawyer that was hired and the steps that would be utilized to move forward with a cease-and-desist order. [See Appendix A6.5]

**Point-by-Point
Response to
Investigatory
Interview Review
Provided by Dean
Blomberg**

Point-by-Point Response to Investigatory Interview Review Provided by Dean Blomberg

In support of his efforts to declare Professor Stewart incompetent and negligent in his duties, Dean Blomberg has provided a point-by-point response (talking points) to some of Professor Stewart's answers to the Investigatory Interview conducted by Rebecca Peterson (see university exhibit #14). The following narrative responds to each point in the document.

Before delving into Professor Stewart's responses, it is important to note that there is an alarming number of omissions and inaccuracies in Dean Blomberg's talking points. Chief among these omissions and inaccuracies is Dean Blomberg's directive to Professor Stewart to retract the five papers as witnessed and attested to by Dr. Warren Hightower. Other concerns with Dean Blomberg's response include the following:

- The use of Dr. Pickett's allegations as the basis for labeling Professor Stewart as incompetent
 - NOTE: It is irresponsible to utilize allegations proven false by multiple inquiry committees as a means to terminate a faculty member's employment.
- The misapplication of Benford's Law to Professor Stewart's research
- The failure to note that only a small fraction of standard deviations in Professor Stewart's published research were incorrect
- Lack of any prior evaluation regarding Professor Stewart's perceived incompetence or analytical ability
 - NOTE: Professor Stewart was regularly assigned to teach research courses and direct doctoral students. [REDACTED] and he continued to chair dissertation and serve on dissertation committees across the university.

Given these concerns, it is unclear how faculty members are to trust the leadership of an administrator who contradicts himself, directs his subordinates to take actions that will directly harm their reputation and professional career, then retaliate against them by seeking to terminate them.

What is your training in statistical analysis?

Answer: Pretty extensive.

Talking point: What is meant by pretty extensive. This is a vague response that tells nothing about Dr. Stewart's training in relation to the statistics that he used and his ability to manage data and create large-scale datasets. If his training in statistical analysis was extensive, then there is no way that he would have created the errors that he did in his studies. Calculating the standard deviation, for example, is something that is taught in middle and high schools and yet he repeatedly miscalculated and/or misreported the standard deviation. If he is unable to estimate the standard deviation correctly, then serious concerns should be raised about his competence to estimate other, more advanced statistical techniques.

Response: *Dean Blomberg's talking point fails to capture Professor Stewart's complete response to the question. In his response, Professor Stewart indicates that his statistical training began with his master's degree and continued post-doctoral degree. Indeed, upon hiring Professor Stewart for his position, Dean Blomberg surely reviewed his graduate-level coursework. Further, to imply that Professor Stewart cannot complete statistical calculations done in middle and high schools is a particularly troubling comment made to minimize Professor Stewart's intellect. While there appears to be a tremendous, almost singular, focus on incorrect standard deviations, there is no mention of the fact that only a small fraction of the standard deviations reported in Professor Stewart's research were incorrect. The narrative presented by*

Dean Blomberg is misleading in that there is no mention of the fact that the identified errors accounted for a small fraction of the reported values and the errors had no effect on the research results.

Are you familiar with FSU Policy 7A-26?

Answer: . . . In some data that we use, we don't keep it longer than two years because of the sensitive nature.

Talking point: Data are typically retained forever and whether data are considered sensitive is irrelevant. All data are considered sensitive and data that contain extremely sensitive data do not have requirements on length of keeping the data, but rather with how the data are housed and stored. Typically, sensitive data are password-protected, housed on computers without a connection to the internet, and use programs and other techniques to avoid the data being accessed by unauthorized users. For someone to say that data are only retained for a couple of years is completely misleading. It can take years for data to be collected and it can take decades for the data to be thoroughly analyzed and studies published from it. It would be difficult to find any criminological sample that was completely erased after any amount of time let alone two years. Dr. Stewart should be well aware of these practices as he has worked extensively with the FACHS data, data that were collected in 1996 and that he still analyzes in his own research. Moreover, during his time as a graduate student, the FACHS data were being collected by his major professor (Ronald Simons) and so he would have had experience with handling sensitive data and how to retain it.

Response: *Dean Blomberg's talking point fails to capture Professor Stewart's full response to the question. In Dr. Stewart's response, the actual sentence reads "In some cases with restricted data that I use, I don't keep data longer than two years past the project period because of the sensitive nature of the data; but I would maintain data records." Dean Blomberg is incorrect in his assertion that data are retained forever. Depending on the policy of the data granting entity, there may be a requirement to delete data and data records after the end of the research period. The retention period identified by the National Science Foundation is three years. Further, Professor Stewart addresses in his responses the self-imposed stringent rules he utilized for securing data (i.e., use of a password-protected computer; computer not connected to a network; data not stored on a separate storage device; files not backed up [stored] on a "cloud" server; paper records purged within the requisite time frame). Further, it is important to note that the data security agreements for the Office of Research Integrity, the National Science Foundation (NSF), and the National Institutes of Health (NIH: [8.4.2 Record Retention and Access \(nih.gov\)](#)) indicate data retention periods of 3 years from the finalization of any project. Dean Blomberg's statement about maintaining data is not reasonable and violates the data retention policies that he highlighted in the termination letter.*

It was reported that there were concerns regarding several of your publications which prompted an inquiry from the Office of Research.

Answer: His response focused on zeros in the coefficients which he claimed he did not understand.

Talking point: This is Benford's Law. Dr. Stewart's research studies were found not to conform to Benford's Law which is one of the most salient red flags for potential problems. Keep in mind, that it was not just one of his studies that did not conform to Benford's Law, but almost all of them that are in question. Moreover, he seems to downplay this concern by saying that there were not enough zeroes and that he took the coefficients out three decimal places. First, incompetent researchers typically shy away from including zeroes so when Benford's Law is violated and the violation has to do with a deviation for zeroes (rather than any other number), then this is even a bigger signal that something is wrong. Second, carrying out the values three decimal points has nothing to do with the pattern of results as Benford's Law is more applicable to the 2nd and 3rd digit than the first. And, last, Dr. Stewart is incorrect in noting that there should be a random number of zeroes in regards to the coefficients. There should not be a random number of zeroes, but rather a uniform number of zeroes according to Benford's Law. His research did

not have a uniform number of zeroes indicating a deviation from Benford's Law. His responses demonstrate his research incompetence.

Response: Dean Blomberg's talking point fails to accurately capture Professor Stewart's answer to the question. In Dr. Stewart's response, he indicates "But there weren't enough zeros in the third column—I don't know what that means." Dean Blomberg insinuates that Professor Stewart did not understand what the concern was. This is an incorrect conclusion on the part of Dean Blomberg. Instead, Professor Stewart offers further in his response that "The argument is that there should be a random number of zeros in regards to the coefficients. So to them they went through and counted all the zeros and there weren't enough. The critics are prescribing how digits should be distributed based on perfect conditions of data collection with no refusals or over sampling. This argument is not realistic." Moreover, Dean Blomberg incorrectly utilizes Benford's Law. The datasets used in Professor's Stewart's research involved data collection where oversampling and imputed data techniques were used (Research Network data) or the data were not randomly sampled (FACHS data). As a result, the datasets are not Benford-suitable. These processes of sampling violate the standards for Benford's Law and thus are not applicable in Professor Stewart's studies. Further, research on Benford's Law has indicated that Benford's law is not an automatic fraud detector and should not be used as such (see for example: Goodman, W. (2016), *The promises and pitfalls of Benford's law*. *Significance*, 13: 38-41. <https://doi.org/10.1111/j.1740-9713.2016.00919.x>).

Were there allegations of falsification of data?

Answer: Yes, that was raised as well. There were too many cases from the South and that was not possible and that "nobody would provide free data."

Talking point: This is not entirely true or at least taken out of context. Once red flags were raised about potential problems due to standard deviations being incorrect and deviations from Benford's Law, a more critical analysis was undertaken. During this investigation additional areas of concern were raised. One of these concerns was with the sample sizes across the different geographical errors. Another was that collecting large datasets is expensive and there has to be some type of funding source in order for the data to be collected. So, it was not that nobody would provide free data (free data are provided all of the time; search the ICPSR website), but rather that collecting data is expensive and so without a funding source data would likely not be collected on a large-scale (or even small-scale) basis. Not having a funding source for these data raises additional concerns over the existence of the data and how they were collected without funding.

Response: Dean Blomberg's talking point is inaccurate in its accounting of the events. Within the concerns raised by the anonymous John Smith and Dr. Pickett and forwarded to the FSU Office of Research were questions regarding too many cases from the South, the over-representation of White and overeducated respondents, and the provision of free data. These concerns were stated at the outset of the inquiry process. While the issue of Benford's law was raised by the anonymous reviewer, none of the statistical experts on the inquiry committees raised concern about it. In fact, the statistical experts recognized that the datasets used in Professor Stewart's research were not Benford-suitable. Professor Stewart received data at no charge from Dr. Marc Gertz, the owner of The Research Network (and retired faculty member in the College of Criminology and Criminal Justice). [See Appendix A3] Additionally, it is important to highlight that a number of studies published from The Research Network data (including published studies by Dr. Pickett) included similar patterns of over-representation in the sample. [See Appendix A9.3] Dean Blomberg is fully aware that Dr. Gertz, an Emeritus faculty member in the College of Criminology and Criminal Justice, owned the Research Network and provided free national samples to numerous faculty in the college.

In October 2019, you and your coauthors requested withdrawal of five research publications.

Answer: Merging errors.

Talking point: Merging errors do not create within-study anomalies that are used to detect problems. Merging errors might lead to incorrect findings and be indicative of between-study differences. Also, Dr. Stewart's explanation suggests that this was not a merging error, but rather an error in his decision on how to code/classify south versus Midwest. According to Dr. Stewart, once he corrected his classification error, the results did not change. It would be interesting to see the actual data as multilevel models (which he used) are not always stable when moving people from one region to another. Attributing his classification error as a merging error is really deceptive for those who are trained in statistics. Merging errors can occur because of a software malfunction that is no fault of the researcher (though it is the researcher's job to check to make sure that a merging error did not occur). In this case, the error that Dr. Stewart created was of his own doing and through classification decisions that he made again documenting incompetence.

Response: *Dean Blomberg's talking point fails to accurately capture Professor Stewart's answer to the question. Indeed, it is misleading to suggest that Professor Stewart's correction of a classification error was attributed to a merging error. This is not truthful and does not reflect the response given by Professor Stewart. In his response to the question, Professor Stewart indicates that there were two Midwestern States incorrectly classified as Southern States. Further, Professor Stewart indicates in his response that he merged 8 or so data sources into a single dataset. Professor Stewart's response addresses analytical decisions that needed to be made relative to the use of historical data in the questioned studies. When Professor Stewart made a mistake in the merging process and did not catch it, then it simply became a systematic error that went unnoticed. This is not research misconduct. If this rises to the level of research misconduct, then the same mistakes in others' research should be characterized the same way.*

Why did your coauthors request withdrawal of five of the publications?

Answer: We agreed this was the best route.

Talking point: Any researcher in this situation would turn over their data and allow others to see what they did, how they did it, and whether what they did could be replicated. All that needed to be done was to release the data. Agreeing to five retractions when Dr. Stewart stands by his findings and data is beyond comprehension for any researcher.

Response: *Dean Blomberg's response fails to fully capture Professor Stewart's answer to the question. The second sentence of Professor Stewart's answer indicates "Initially, we were like maybe we should keep fighting this but ultimately we agreed to withdrawal." It is important to note a few important details:*

- *Dean Blomberg gave Professor Stewart a directive to retract the publications for the good of the university. This directive was made in the presence of Dr. Warren Hightower. If Professor Stewart failed to retract the studies, the narrative would be that he was insubordinate, in addition to being incompetent. The retractions are now being interpreted by FSU as evidence against Professor Stewart.*
- *Professor Stewart lost files that were contained on his university-issued laptop after a hard drive failure. This failure is documented in an email thread with the College of Criminology and Criminal Justice IT staff person.*
- *Professor Stewart submitted to the inquiry committees the files that they asked for. On one occasion, the data was publicly available and Professor Stewart did not have to provide it. Additionally, the article in question was nearly 20 years old and the data records had been destroyed.*
- *Dean Blomberg asserts that all Professor Stewart needed to do was release the data. If Professor Stewart released data that he did not have the proper clearance to release, he would have been in direct violation of the rules of the data granting organization. It is unclear why Dean Blomberg is espousing violation of data sharing rules.*

As noted in letters submitted by experts, Professor Stewart was transparent in his work and freely shared information with his co-authors throughout the research process. [See Appendix A16, letters for Dr. Warren Hightower and Johnson]

Did you have anyone review your analysis or methodologies in analyzing the data?

Answer: I shared the analysis with all the coauthors by showing the output and tables.

Talking point: Showing output and tables is not showing the data. Output can be edited and the output provides the tables. It would be considered extremely odd that none of his coauthors ever saw the data and that they only were provided with output and tables. Again, no responsible and competent researcher would withhold data from co-authors.

Response: *Dean Blomberg’s talking point falsely characterizes the response provided by Professor Stewart. Professor Stewart was asked if anyone reviewed the analysis or methodologies. Dean Blomberg fails to capture Professor Stewart’s full response. In his full response, Professor Stewart indicates the following: “I shared the analysis with all the co-authors. Sometimes I showed them the output and sometimes I put the results in tables. We talked about different ways to run the statistical analysis. It also depends on what questions we are trying to answer. For each paper, we worked as a team to develop ideas, determine proper methodologies, discuss analyses and findings, and more.” These sentiments are echoed in the letters provided by Drs. Patricia Warren Hightower and Brian Johnson, as well as an email from Dr. Dan Mears. [See Appendix A3 and A16] Dean Blomberg focuses his talking point on showing data. At no point in his response did Professor Stewart indicate that he withheld the data from his co-authors, or that his co-authors never saw the data. Dean Blomberg has made a false statement and presented it as fact.*

In responding to inquiries regarding these papers, what coding analysis errors did you discover?

Answer: He does not answer the question.

Talking point: He did not answer the question. So, he allowed five papers to be retracted even though he did not identify any coding errors? This makes no sense. He makes it seem as though he did not fully describe his coding process which is true, but that is not an error and that is not a reason for a retraction. Again, another example of incompetence.

Response: *Dean Blomberg indicates in his response that Professor Stewart did not answer the question yet there is a paragraph length response found in the investigatory interview transcript. In his extensive response to the question, Professor Stewart took time to provide a clear and detailed explanation. In fact, the last sentence of the response highlights how creating county clusters can lead to coding errors. Dean Blomberg’s example of incompetence are incomprehensible and lack merit.*

What about the data from the five publications?

Answer: I lost the data file for those analyses that was destroyed on my laptop

Talking point: Deleted files can be recovered and there are programs available that allow for files to be recovered from hard drives that crash. Forensic approaches are extremely effective in recovering files. A data file that is “lost” while it is under investigation is particularly peculiar. Three outcomes are potentially possible. First, the data could have been lost (least likely explanation). Second, the data may have never existed. Third, the data existed in some format but were destroyed to prevent others from accessing them. This latter possibility is bolstered by the fact that Dr. Stewart asked a colleague about a data-eraser program that deletes temporary data/files/backups from computers that analyze restricted-use samples. This request for a data-eraser program can be validated by the faculty colleague who was asked about dataerasing programs.

Response: Dean Blomberg's talking point fails to accurately capture Professor Stewart's answer to the question. In fact, the answer identified deviates from the answer Professor Stewart provided during the investigatory interview. The full response from the transcript states: "In December 2019, I lost the data and data files for those analyses when my university-issued computer's hard drive crashed. I told our IT person that I was having trouble with my computer. When the IT person attempted to repair my computer, he informed me that the hard drive crashed and he was not able to recover the data from the drive. The college bought me a new hard drive." Dean Blomberg's insinuation that losing files while under investigation is suspicious is an attack on Professor Stewart's ethics and character. Indeed, Professor Stewart's laptop crashed after the first FSU Misconduct Inquiry Committee completed its investigation and Dr. Ostrander had signed off on their recommendation. Further, in yet another attack on Professor Stewart's ethics and character, Dean Blomberg wrongly accuses Professor Stewart of asking a colleague about a data-eraser program. Included among the response documentation is an email exchange between Dr. Patricia Warren Hightower to Dr. Blomberg stating her dismay about Professor Stewart being accused of asking about a data-eraser program. Indeed, Dr. Warren Hightower indicates in her email that she was the person who asked about the program as one of her and Professor Stewart's doctoral students was utilizing data from ICPSR. One of the requirements for gaining access to the ICPSR was the use of a data-erasure program. It must be noted that Dean Blomberg replied to Dr. Warren Hightower's email indicating that he did not believe the accusation against Professor Stewart. As such, it is especially troubling to now read Dean Blomberg's false accusation against Professor Stewart. It is further troubling that a faculty colleague has been recruited to misrepresent the facts. [See Appendix A4.2, email thread dated 6/20/20 between Dr. Warren Hightower and Dean Blomberg]

In January 2021, a publication was retracted by the Justice Quarterly. What was this publication and why did the journal retract it?

Answer: Dr. Stewart noted that the sample sizes and number of schools was incorrect and that certain methods were no longer used.

Talking point: The issue of sample size is straightforward and is easily checked. It was checked by Justice Quarterly and did not match Dr. Stewart's sample size. Dr. Stewart mentions that certain methods are no longer used. What are those methods? Methods are not typically discarded and not used anymore. Certainly newer approaches might be introduced but that does not make the previous methods obsolete. Being vague and imprecise allows him to create a moving target where he cannot be pinned down on any specifics. He also notes that he was able to replicate what he reported and that he was able to get a better sample. If he replicated the results, then it would be odd that the journal would retract it. In addition, how would he be able to get a "better sample." These data are secondary and thus the sample would be provided to him and he would have no bearing on the quality of the sample. His response is completely misleading and again shows research incompetence.

Response: Dean Blomberg's talking point fails to accurately capture Professor Stewart's answer to the question. In fact, the answer identified deviates from the answer Professor Stewart provided during the investigatory interview. Dean Blomberg begins by incorrectly insisting that the sample size was checked and did not match. Dean Blomberg fails to mention that Professor Stewart had to provide a recreation of the data code to the inquiry committee as he no longer had the original data files due to the passage of time (more than 16 years). Utilizing the code provided by Professor Stewart, the committee notes in their report that they were able to come close to the sample size in the questioned article. Professor Stewart in his response to the inquiry committee provides examples of a number of studies on a similar topic utilizing the same data and having sample sizes close to or larger than that of Professor Stewart. Further, Dean Blomberg is misleading in his assertion that Professor Stewart is being vague and imprecise allowing him to create a moving target. This is false as Professor Stewart provides a clear example prior to the sentence regarding certain methods are no longer used. In fact, Professor Stewart stated, "The number of individuals per school that I used at the time the analyses were conducted aren't acceptable

now.” This oversight by Dean Blomberg is especially troubling as it is being used along with other false or misleading claims to label Professor Stewart as incompetent.

Did you provide the journal with the requested information? What happened to the data?

Answer: I would have gotten rid of the original data because it was so many years ago.

Talking point: Deleting data where it is not required is unheard of and not a best practice.

There is always the possibility that questions might be raised about a study or that another study will be published off the original data. This answer is at best alarming and another example of incompetence.

Response: Dean Blomberg’s talking point fails to accurately capture Professor Stewart’s answer to the question. In fact, the answer identified deviates from the answer Professor Stewart provided during the investigatory interview. Dean Blomberg incorrectly interprets the response provided by Professor Stewart. In his response, Professor Stewart indicates that he would have purged the original data as you can now get the data from the funding agency’s website. It is unclear how Professor Stewart is incompetent given that he deleted his copy of the data because an updated (clean) version of the data is publicly available online with the organization that collected the data. Thus, anyone who wants to re-analyze the data can do so freely. Further, Professor Stewart notes in his response to the question that he provided the journal with the data codes and syntax. Again, it is unclear why Dean Blomberg has labeled this as an example of incompetence.

Were you able to provide the data for the inquiry committee to review? Why not?

Answer: Some of the publications were more than two or three years old. I wasn’t able to retain data that long.

Talking point: This makes no sense. Data are usually retained for decades (or longer). After collecting data, a researcher typically publishes from that sample and can analyze the data as part of their career for decades. Two or three years in terms of publishing is a blink of an eye and really unheard of – once again demonstrating incompetence.

Response: Dean Blomberg’s talking point fails to take into consideration the data retention standards for the varied data sources in the questioned publications. Dean Blomberg is making a generalization about someone publishing off data for decades. This generalization does not take into account requirements to purge data and/or data records at the end of a study period. Further, Dean Blomberg’s talking point fails to consider the loss of Professor Stewart’s files when the hard drive crashed on his university-issued computer in December 2019. Given the standard that Dean Blomberg is asserting, Professor Stewart would surely be in violation of data retention standards set forth by agencies such as ICPSR. Professor Stewart was forthright and honest with each inquiry committee. The first committee he provided the data records they requested. The inquiry committees at Georgia State University and FSU had access to the publicly available data. Due to the computer crash, Professor Stewart did not have data records in 2021.

When did you lose your data?

Answer: For that paper that Mr. Pickett had concerns about, that paper was published in 2011.

I lost the data in December 2019.

Talking point: Dr. Stewart continuously states that he deletes data after 2-3 years. Yet, here, in his own words, he retained the data for at least eight years. He only lost the data after he was being investigated and after he was being asked to provide the data. Very troubling at the least.

Response: Dean Blomberg has misrepresented Professor Stewart’s response to the question. Indeed, it is reasonable to expect that a college Dean knows the difference between loss of files due to a hard drive failure and purging of files due to data use/retention requirements. Indicating that a paper was published in 2011 and that data was lost in 2019 fails to account for scheduled reviews of data files. Indeed, Dean

Blomberg states that Professor Stewart deletes data after 2-3 years. This was no arbitrary deletion of files as presented by Dean Blomberg. Instead, Professor Stewart periodically reviewed his files and any data agreements for items that required purging due to data usage/retention requirements.

Did you take steps at that time to ensure that your data was backed up?

Answer: Yes, it was backed up on my laptop. I've had external drives before and they have failed.

Talking point: Keeping data on a laptop is not backing it up. Backing up data means that it is kept in multiple places. Dr. Stewart had previous problems with failing drives and so he should have been acutely aware of the importance of keeping the data in multiple locations. It is a best practice to have the data stored on a work computer, a cloud drive, and an external hard drive when legally permitted. There does not appear to be any legal impediments to Dr. Stewart keeping his data in multiple places. Having data in only one place is absurd and virtually unheard of today. Again, this failure to adequately backup his data further documents incompetence.

Response: Dean Blomberg's talking point shows a lack of understanding of data usage/retention requirements. Indeed, saving files in multiple locations is frowned upon as the risk for data security issues increases with the storing of files on a networked work computer, a cloud drive, and/or an external hard drive. In the letter by Dr. Janet Lauritsen (past president of the American Society of Criminology), she echoes concerns regarding storage of restricted data. [See Appendix A16.5]

Between June 2019 and December 2019, were you aware that you would need to ensure data was available?

Answer: Yes, I turned over materials and records to them.

Talking point: Dr. Stewart did not turn over the raw data. He turned over some output and some other information, but not the data. Had he turned over the data, then all of this would have been resolved quickly.

Response: Dean Blomberg's talking point fails to accurately capture Professor Stewart's answer to the question. In fact, the answer identified deviates from the answer Professor Stewart provided during the investigatory interview. Professor Stewart stated: "I turned over all of the data records and output files that the Inquiry Committee requested. I was told that the Research Office would maintain the information I provided for seven years. So I thought I was squared away on that front. Also, I still had the data on my computer as I was making corrections." Dean Blomberg indicates that Professor Stewart did not turn over the raw data. However, the inquiry committee did not request the raw data. Dean Blomberg is holding Professor Stewart accountable for requests that were not made of him during the first inquiry. The second inquiry committee was able to investigate the data.

The reviewers in the most recent inquiry indicated that that the reported errors in analysis were not solely the result of occasional rounding... Is this accurate?

Answer: That is accurate. One of the things I didn't know when using this technique is you have to specify whether the variable is dichotomous or not. If you don't, then it can create an error. I can assure you that most people don't know that.

Talking point: This is only partially true. With multiple imputation (MI) which it seems that he is talking about, dichotomous variables must be specified. However, this is actually built into the programs and it makes you specify whether the variable is dichotomous. The equations for MI make this clear. Even if (for some reason) the researcher did not specify that they were working with a dichotomous variable, it is unlikely that it would produce significant errors in the values. Plus, it should still create within-study consistencies that would not be red-flagged when fraud-detection techniques were applied to the study. Last, anyone using MI knows (or should know) that dichotomous variables have to be specified. This

would be taught in any intro class, book, or article dealing with MI and it would be inherently built into the software used to calculate it. Again, documentation of incompetence.

Response: Dean Blomberg's talking point fails to accurately capture Professor Stewart's answer to the question. In fact, the answer identified deviates from the answer Professor Stewart provided during the investigatory interview. Professor Stewart indicated in his response that misspecification of a dichotomous measure can be a systematic error. The 3rd inquiry committee members indicated that the problem experienced by Professor Stewart was common outside of a purely mathematical arena. Moreover, Dean Blomberg again attacks Professor Stewart's intellect by insinuating that he could have learned the technique in any intro class, book or article dealing with multiple imputation.

Conclusions

At every step in the research inquiry and investigation process, Dr. Stewart's studies (in question) have been red-flagged. Upon closer inspection, they have been found to have even more signs of errors and misrepresentations. When pressed to provide the data, Dr. Stewart failed to give the raw data to his coauthors. In short, nobody has seen the raw data. Before FSU was able to access the data, Dr. Stewart lost the data on his laptop and any backups of it. According to Dr. Stewart, it is his policy to retain data for 2-3 years (though his own actions contradict this practice). What is interesting is that all researchers—especially those who have pretty extensive training in statistics—use (or should use) what is known as syntax for their data creation, data management, and statistical analysis. Syntax is a written language of commands which provides a written step-by-step notation of all decisions made during the research process. This allows for a quick way to remember what was done and it also allows for the analyses to be reestimated with a click of the keyboard. Moreover, syntax is not considered sensitive so it can be publicly disseminated without violating any data-protection rules/laws governing sensitive data. Even if Dr. Stewart had lost his data, he should have had his syntax available that would have allowed him to recreate his dataset and analyses within a relatively short period of time.

Response: Dean Blomberg's conclusion presents a summary of the false and misleading statements that were made throughout the point-by-point response to Professor Stewart's investigatory interview. A review of the responses provided by Professor Stewart repeatedly shows how Dean Blomberg inaccurately presented events, omitted important details, falsely accused Professor Stewart of incompetence or wrongdoing, and other actions that violate the code of conduct for acceptable behavior by a supervisor. It is indeed disheartening to come to the realization that Dean Blomberg is attempting to terminate the employment of a named full professor.

Additionally, it remains unclear why Dean Blomberg continues to state that the committees did not have any data. The second committee had the publicly available data. Additionally, the information requested by the first inquiry committee was provided. None of the committees suggested that Professor Stewart was obstinate or refused to be transparent. In fact, all Professor Stewart has tried to do is be honest and forthright. Professor Stewart has provided documentation that Dean Blomberg has switched his stance and is making inaccurate statements to support termination. This is biased and capricious treatment.

**Response to Research
Review Provided by
Dean Blomberg**

Response to Research Review Provided by Dean Blomberg

Dr. William Goodman (2016), an expert in Benford's Law, has noted the many pitfalls and shortcomings in trying to use Benford's Law to detect fraud. He notes that not all datasets are Benford-suitable, meaning that Benford's Law cannot be applied to those datasets. Specifically, a dataset is only Benford-suitable if it meets four conditions:

1. The dataset is large;
2. Its values span several orders of magnitude;
3. The values in the dataset have a positively skewed distribution; and
4. The dataset is not comprised of numbers that are assigned or directly influenced by human intentions.
 - a. **Note:** This means that one has to have a random sample of elements in the dataset without any adjustments.

The datasets used by Professor Stewart and highlighted by Dean Blomberg are not Benford-suitable. First, the data from the Research Network involved an overrepresentation of White respondents, female respondents, college-educated respondents, and respondents from the southern region of the United States. Furthermore, not all respondents answered all questions so imputed data analysis had to be utilized. Thus, the datasets from the Research Network are not Benford-suitable. Second, the FACHS data referenced by Dean Blomberg is not a random sample. It is a purposive sample that is not Benford-suitable. This process of sampling violates the standards for Benford and thus are not applicable in Professor Stewart's studies. As a result, Dean Blomberg's research overview is fraught with errors as he incorrectly applies Benford's Law to studies for which the technique does not apply. Moreover, it is telling that Dean Blomberg is only using these techniques, albeit incorrectly, to evaluate Professor Stewart's research. The standard that Dean Blomberg is using to judge Professor Stewart is not being utilized across the College of Criminology and Criminal Justice for all faculty members' research. Dean Blomberg is only applying this technique to the research of a minority scholar who studies issues of race that might make some uncomfortable. This begs the question: Why are all faculty members in the College of Criminology and Criminal Justice not having their research evaluated in the same manner as Professor Stewart if the Dean is concerned about research integrity?

Citation:

Goodman, W. (2016). The promises and pitfalls of Benford's law. *Significance*, 13: 38-41. <https://doi.org/10.1111/j.1740-9713.2016.00919.x>.

Conclusion

Conclusion

To end, Professor Stewart was engaged in multiple research misconduct inquiries which concluded in insufficient evidence being found to find Professor Stewart guilty of misconduct, as well as insufficient evidence to warrant a full investigation. Professor Stewart complied with the directive of his superior, Dean Blomberg, to retract the questioned papers. Despite the negativity that he faced, Professor Stewart remained the consummate professional and admirably fulfilled his teaching, research, and service duties as evidenced by [REDACTED]

[REDACTED] Professor Stewart has been collegial to his faculty peers and a generous mentor to his students. This entire ordeal has not been fair to Professor Stewart.

It is puzzling to be at the current situation Professor Stewart faces today. There is no understandable rationale for Dean Blomberg's decision to delve years back and critique the work of inquiry committees while questioning Professor Stewart's competence. The intent letter essentially blamed Professor Stewart (the victim) for the negative attacks. It is important to note that Professor Stewart advised Dean Blomberg of these attacks, yet no action was taken to protect the faculty member. Indeed, it is truly puzzling why Dean Blomberg would bring forth efforts to terminate Professor Stewart while no effort was put forth to address those who harassed Professor Stewart. Further puzzling is the differential treatment given to others who have made research errors or had their research retracted yet continue to be employed at FSU.

The differential treatment of Professor Stewart aligns with a violation of U. S. Equal Employment Opportunity Commission (EEOC) policies. According to the U.S. Equal Employment Opportunity Commission, the following bolded bullet point is a Prohibited Employment Policies/Practices [[Prohibited Employment Policies/Practices | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](https://www.eeoc.gov/policy/docs/prohibited.html)].

Following the bolded bullet point is italicized text defining the policy/practice. This italicized text is abstracted directly from the website for the U.S. Equal Opportunity Commission.

- **Harassment**

- *“Harassment can take the form of slurs, graffiti, offensive or derogatory comments, or other verbal or physical conduct. Sexual harassment (including unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature) is also unlawful. Although the law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal if it is so frequent or severe that it creates a hostile or offensive work environment or if it results in an adverse employment decision (such as the victim being fired or demoted).”*
- *“The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.”*

According to the EEOC policy, the harasser can be someone who is not an employee of the employer (i.e., FSU). Further, harassment is illegal if it is so frequent or severe that it creates a hostile or offensive work environment or if it results in an adverse employment decision (such as the victim being fired or demoted). This is certainly true in Professor Stewart's case as he has been harassed by Dr. Pickett and other anonymous individuals for years and now he has been presented with an intent to terminate. Dr. Pickett has been a consistent presence in the negativity directed towards Professor Stewart. False allegations and calls to fire Professor Stewart have perpetuated on social media based on false narratives that originated with Dr. Pickett. Indeed, a simple internet search of Professor Stewart's name will yield

scores of results incorrectly reporting Professor Stewart as having fabricated data or being fired from the university. Beyond the reputational harm to Professor Stewart, the stress from the false allegations and harassment adversely affected his emotional and mental well-being. Indeed, the consistent bombardment of negative press for nearly four years can have an unimaginable toll on a person's psyche.

Furthermore, the intent to terminate letter indicates that Professor Stewart was negligent. However, there is no documentation of negligence in the materials provided by Dean Blomberg. The intent to terminate letter additionally indicates that Professor Stewart is a harm to the college, university, and field of Criminology. It is especially demoralizing to Professor Stewart to know that his Dean is seeking to terminate his employment based on serious claims yet there is no documentation to support them.

Dean Blomberg's actions show a disregard to Professor Stewart's reputation, career, and overall livelihood. On March 11th, an automated response was sent to anyone who emailed Professor Stewart falsely indicating that he was no longer employed at FSU. As of May 16th, this announcement has been posted for nearly 70 days. A premature decision was made before Professor Stewart notified FSU of his selection of a peer panel. Indeed, this incorrect announcement has revived erroneous claims that Professor Stewart falsified data. Countless media stories and social media postings have negatively portrayed Professor Stewart since the automated response was posted. There has been no attempt by the university to correct the false narrative and restore Professor Stewart's reputation.

The intent to terminate is a deliberate effort by Dean Blomberg to find fault with Professor Stewart and label him as incompetent. Misleading language offered by Dean Blomberg gives the reader the impression that Professor Stewart is incompetent. If the reader solely relies on Dean Blomberg's narrative (i.e., research review and talking points) and does not fully review the accompanying documentation, they would miss the truth. The truth being that this is a dishonest accounting purposefully written to make Professor Stewart appear incompetent. To this end, the intent to terminate is both arbitrary and capricious in nature.