



THE FLORIDA STATE UNIVERSITY
OFFICE OF THE PROVOST

July 13, 2023

Eric Stewart, Ph.D.
College of Criminology and Criminal Justice
Florida State University

Dr. Stewart:

This letter serves to officially notify you that the Florida State University (FSU) is terminating you from your position as Professor in the College of Criminology and Criminal Justice, effective July 13, 2023. As Provost, it is my duty to uphold the values and the mission of the University. I have arrived at this decision after carefully reviewing and taking into consideration all of the information available to me. I have reviewed and considered the evidence gathered during the investigation of the issue(s), as outlined in the Notice of Intent to Terminate Letter, dated March 10, 2023. You were also afforded an opportunity for a Peer Panel review, a process which allowed for you to submit a written statement or response to the allegations as well as any additional information you chose to provide to the Panel. In formulating my final decision, I considered the unrebutted information that you submitted to the Panel, the findings and the recommendations of the Peer Panel members. Finally, I also considered additional information that was discovered after you were notified of the University's intent to terminate you and place you on administrative leave. An outline of the background of the issue(s) and the reasons for my decision are provided below.

My specific concerns are related to the details of your behavior and the extreme negligence and incompetence that you demonstrated in the performance of your duties. As outlined in the Notice of Intent to Terminate Letter, you demonstrated extreme negligence in basic data management, resulting in an unprecedented number of articles retracted, numerous other articles now in question, with the presence of no backup of the data for the publications in question. The damage to the standing of the University and, in particular, the College of Criminology and Criminal Justice and its faculty approaches the catastrophic and may be unalterable. Because of your actions, as you were fully responsible for the integrity of the results generated in your data analyses, decades of research that were once thought to be at the forefront of the Criminology discipline, have been shown to contain numerous erroneous and false narratives. The details of problematic data management, false results, and the numerous publication retractions have negatively affected the discipline on a national level. The University and the College have had their reputation put in jeopardy, as reflected in the *Chronicle of Higher Education* article in Fall 2019. Graduate students have expressed their concerns with being connected to the situation by simply being in the same College as you. They have also voiced concerns about the impacts on them as they try to enter the job market and the potential for them to be questioned about it. The situation has also impacted recruitment of faculty and top-tier doctoral students. Faculty recruits have asked about the reports about you, how the university is addressing the issues, and how it has impacted the College more broadly. Top recruits for the doctoral program have also expressed concerns. There is a fear among the faculty that their own work will now be unduly under a microscope and scrutinized due to being your colleague, and they are concerned about the impact

on their ability to publish in top journals. The University is experiencing the impacts of your actions even in dealings with professional organizations to serve on editorial boards.

In review of the responses you provided to the Peer Panel, and the Panel members' responses, there continues to be numerous misrepresentations of the facts surrounding this case. You state that the decision to terminate you from employment is "arbitrary and capricious", despite the evidence showing that you have been extremely negligent in the performance of your duties. I will address the most significant points you raised in your response that I believe distorted some important facts and ultimately impacted some of the Peer Panelists' review of this case.

First, your response to the Notice of Intent to Terminate letter states, "In the presence of Dr. Warren Hightower, Professor Stewart was directed by Dean Blomberg in 2019 to retract several publications." This statement is problematic, despite the letter submitted by Professor Warren which indicates the retractions were requested by Dean Blomberg. Upon review of the email from the editors of the *Criminology Journal*, dated November 2, 2019, it is clear that the voluntary retraction of the 2018 article was an agreement made between the editors and the authors of the paper (including you). The email discusses revisions of the retraction statement and the editors disapproving of your requested retraction statement that "the results of the authors' re-analysis and clarifications affirmed the original results." The journal solicited two reviews of the revised corrigenda submitted, one of which was returned prior to the request for a voluntary retraction, and the reviewer's assessment was that the re-analysis did not fully affirm the original results and that the "magnitude changes in both main and interaction effects were sufficiently dramatic that the sum total of the errors cannot be characterized as having no bearing on the substantive conclusions drawn." The communication goes on to state, "please note, that in order for the retraction to be voluntary, we need to receive written confirmation from each author that you approve the retraction and statement." Thus, each of the co-authors (including you) presumably agreed with the retraction. However, it is clear from the email communication that while a voluntary retraction was allowed, the journal was prepared to proceed with the retraction even without your or the co-authors' agreement.

Additionally, your response states, "Professor Stewart received favorable annual evaluations from Dean Blomberg from 2019-2021 and that there were no concerns stated in the annual reviews regarding Professor Stewart's competence." While it is true that the 2019 evaluation rated your overall performance as "Exceeds FSU's High Expectations", the matter at that time was still in its initial review phase and limited information was available. In addition, as you know, each evaluation is for the previous year's performance. Nonetheless, Dean Blomberg clearly referenced the ongoing situation in the 2019 evaluation and stated, "Dr. Stewart has been involved in dealing with a series of questions about his research publications and this has detracted considerably from his normal productivity." Upon review of the 2020 annual evaluation, the overall rating is "Exceeds FSU's High Expectations". Of important note, you did not include the summary statement from this evaluation in the packet that you provided the Peer Panel. The narrative for the 2020 evaluation stated, "As in 2019, during 2020, Dr. Stewart has continued to deal with a series of allegations about his research which has occupied a considerable amount of his time previously devoted to research." For the 2021 annual evaluation, you were rated "Meets FSU's Expectations", which is a decline from the previous rating. Again, you did not provide the Peer Panel the narrative from the evaluation; it read, "Since 2019, Dr. Stewart has continued to

deal with a series of allegations about his research which has occupied a considerable amount of his time previously devoted to research.” In all three evaluations, while giving you the benefit of the doubt until the matter was resolved, the Dean recognized that you were dealing with the allegations and also noted that you were devoting that time to dealing with those allegations rather than being productive in research. One can reasonably conclude that the Dean was only able to evaluate you based on the information he had available, and at that time, the investigations and inquiries into the matter, including the one conducted by Human Resources, had not yet concluded.

Furthermore, your response states, “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 panel experts.” To clarify the process and intent of the FSU misconduct inquiry committee, the FSU policy on research misconduct states in pertinent part, *“The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the Respondent, whistleblower, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct definitely occurred or who was responsible.”* In other words, the misconduct claims were not rejected, but in all inquiries into the matter, there was found to be insufficient evidence to support a full investigation into research misconduct which is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Of important note, in the 2019 inquiry report, the committee stated, *“We found no evidence that the data used by Dr. Stewart in the five papers at issue were fabricated. We did find evidence that Dr. Stewart incorrectly described the data used in the 2011 paper on which Dr. Pickett was a coauthor. In addition, we found errors resulting from insufficient care in recording research results.”* In the 2020 inquiry report, the committee was only able to review a “plausible recreation” of the data used because the original data was not available or was not provided by you. The committee noted in their conclusion that, *“Given the many conceivable ways the original analysis could have been conducted and the possibility of coding errors, it does not seem feasible to reconstruct the original analysis or even determine with any certainty for many quantities what values are possible or would indicated research misconduct.”* They also noted several errors in your statistical analysis. Although the research misconduct inquiry committees did not find sufficient evidence for an investigation into research misconduct, as defined by the policy, the detailed information provided in the reports did produce important information that has been expanded upon through follow-up studies and a nonvoluntary retraction of a 6th publication, and do support a charge of negligence and incompetence.

You also note in your response that upon being notified of the university’s intent to terminate you from your position, that you were “abruptly removed from teaching duties” on Friday, March 10th. In reality, you were placed on paid administrative leave during the due process phase, which is standard practice in situations where termination of faculty employment is proposed. Because you were placed on administrative leave, you were relieved of your teaching assignment which was taken over by other university employees. Following the removal of you from the classroom, more concerning information was discovered, and although it was not included in the original Notice of Intent to Terminate Letter, I believe it further supports the proposed action to terminate your employment. In one of the online courses you were assigned to teach, it was discovered by a subsequent instructor that “class instruction...appeared to be minimal

at best, and meaningless at worst” because you provided no additional information to students beyond what was contained in the required text. There were no class discussions, only one posting, and all exams were drawn entirely from the publisher-produced questions from the textbook. According to your teaching assistant, you forwarded all emails from students to her and she was responsible for dealing with students and responding to their emails. In your in-person course, *Introduction to Research Methods*, the new instructor noted that students were not attending class which, according to reports by students and the assigned teaching assistant, was because they perceived no benefit. It was explained that you did nothing more than simply cover what was already covered in the textbook. On Canvas, it was noted that you often cancelled class or did a “remote” class, and you would simply read from a presentation that appeared to be created by the publisher. Again, it was noted that the exams and quizzes in this class were drawn solely from publisher-produced materials.

Furthermore, I note that you have been primarily responsible for teaching courses in research methods, yet you have had multiple retractions of published papers, which by your own admission were due to errors in the data analysis. Of important note, in your interview with Ms. Peterson on April 11, 2022, you diminished the significance of these errors. You even stated that the errors would not have led to a different outcome in the findings, which according to the records is not accurate. In fact, in your withdrawal letter for the retraction of three of your papers, the retraction notice states *“I have taken the lead in responding to these questions because I undertook the analyses, but this request for withdrawal comes from all of the co-authors. In the course of responding to the questions, it became clear that the analyses errors that included coding mistakes and transcription errors, exceed what the co-authors and I ultimately concluded as acceptable for a published paper.”* With this history, the idea of having you continue in a capacity where you are teaching research methods to students is one that does not align with the university’s mission to provide high quality education to students.

The remainder of your assignment would be service and research, which you have not demonstrated the ability to continue. In review of the materials, you have demonstrated incompetence, which is defined by the Faculty Handbook as “failure to perform instructional responsibilities, including repeated unauthorized class absences, lack of interaction with students in an online course, failure to provide appropriate feedback to students; and failure to perform assigned research activities.” Additionally, although the university was not able to fully investigate the allegations of research misconduct, as defined above, a review of the totality of the information does demonstrate “misconduct” which is defined in the FSU Faculty Handbook in pertinent part as “conduct that demonstrates willful or wanton disregard of the university’s best interests.” Your actions in the performance of your duties demonstrate extreme negligence and disregard of the university’s best interests. In the four years since the initial issues arose, you have not taken any meaningful steps to remedy the situation, you have not re-created or attempted to re-create any of the studies, you have not pursued any remedial action, and you have even refused to cooperate with your FSU colleagues and coworkers who requested to work with you on these matters. Your conduct has adversely impacted the University, the College of Criminology and Criminal Justice, its faculty and students, and the national discipline of Criminology. Therefore, your actions cannot be condoned or tolerated.

In conclusion, in review of all the information available to me on this case, including your response provided to the Peer Panel, and the Peer Panelists' recommendations, I find no information that would warrant a change in the proposed action. I do not see how you can teach our students to be ethical researchers or how the results of future research projects conducted by you could be deemed as trustworthy. Therefore, I am proceeding with a termination.

Please note, you may appeal this decision in accordance with Article 20 of the FSU BOT/UFF Collective Bargaining Agreement.

Sincerely,



James J. Clark, Ph.D.
Provost and Executive Vice President for Academic Affairs
Florida State University

I understand and acknowledge receipt of this notification.

Eric Stewart

Date

Cc: Employee Personnel File (Stewart, E.)
Tom Blomberg, Dean, College of Criminology and Criminal Justice
Faculty Development and Advancement
Faculty Relations