



May 24, 2023

Jim Clark, Ph.D.
Provost and Executive Vice President for Academic Affairs
Florida State University
212 Westcott Building,
222 S. Copeland Street,
Tallahassee, Florida 32306-1310

Dear Dr. Clark:

RE: Peer Panel Review on Dr. Eric Stewart -- Notice of Intent to Terminate

The charge to the individual Panel Members is extracted and quoted as follows (from the FSU Faculty Handbook – Section 4): “.....*The recommendation shall express the Panel members’ individual opinions as to whether disciplinary action is warranted for the alleged offense and, if so, the penalty deemed appropriate under the circumstances.....*”

Under the stated criteria for *Just Cause for Disciplinary Action*, the faculty activities being considered for the evaluation fall under the scope of his employment, and therefore subject to faculty disciplinary actions. Based on the FSU-UFF Collective Bargaining Agreement’s definitions of “Incompetence” and “Misconduct,” as the two bases for faculty disciplinary action, the faculty’s activities qualify not as “Misconduct” but closer to “Incompetence” or actually, more like “Carelessness” or “Inattention.” While the faculty performed assigned research activities as required, he made some errors in efforts to get his research published, and based on all the evidence provided, these errors were not conclusively proven as being intentional or fraudulent.

There is a just cause for the faculty disciplinary action as the faculty should be aware of the expected standards and ethics expected for journal publications; this constitutes the “notice” required for just cause. The issues being investigated are “reasonably related” since they are part of the faculty member’s academic responsibilities. Based on the documents provided on the history of the issues, the alleged offense was investigated objectively, but the results indicate more of carelessness with research data than incompetence. So, there is no strong proof of misconduct/incompetent performance of duties.

No information is provided on the discipline of faculty members who have committed similar offenses in the past. So, the chair/dean’s consistency cannot be evaluated, in terms of handling similar problems. The intended discipline, which is termination of the faculty, appears to be too severe for the faculty’s offense. The faculty indicated a favorable evaluation by his supervisor during the period of the activities being



investigated, which implies that the faculty had a good prior record of performance and conduct. There are three major aspects of a faculty job: teaching, research, and service. Publication, which is part of research, should not be weighted high enough to justify termination. Also, if the case of data falsification/fabrication or fraud had been clearly proven, the faculty may have been judged to have committed a “Misconduct” based on actions not in the University’s best interests. But this is not the case. According to the Panel Review Document No. 10, an FSU inquiry report specifically concluded that the committee (with two of the three members being statistics professors) “...found no evidence which strongly points to research misconduct.” The topics of the faculty research and publications reflect the politically sensitive issues of race. There has been negative news (about the University) in the media regarding this case¹, and some even indicated that the faculty has resigned his position in April 2023². The termination document also noted the negative effect of the situation on faculty and graduate student recruitment, but this was not proven to be true. These “environmental” aspects of the case should not cloud a serious decision by FSU.

As a Panel Member, and a peer faculty, I would conclude that faculty disciplinary action may be warranted for the alleged offense due to carelessness with research data, but the proposed penalty to terminate is too severe and not appropriate.

If you have any questions, please do not hesitate to contact me at office telephone number (850) 410-6153 or e-mail address: sobanjo@eng.famu.fsu.edu.

Sincerely,

John O. Sobanjo, Ph.D., P.E., F.ASCE

Professor of Civil Engineering

Director, Center for Accessibility and Safety for an Aging Population (C-ASAP)

¹ Florida State University under fire in Eric A. Stewart academic fraud case. Published January 14, 2020. Accessed May 22, 2023, from <https://www.washingtontimes.com/news/2020/jan/14/florida-state-university-under-fire-eric-stewart-a/>.

² Florida State University professor leaves job after accusations of faking race data, had 6 studies retracted. Published April 10, 2023. Accessed May 22, 2023, from <https://www.theblaze.com/news/fsu-prof-leaves-retracted-studies>.