



UNIVERSITY OF CENTRAL FLORIDA

**Office of the Vice President for Research and
Dean of the College of Graduate Studies**

4365 Andromeda Loop N. Millican Hall 243
Orlando, FL 32816-0005

January 27, 2020

Dr. Daniel Barber
Institute for Simulation and Training
University of Central Florida

NOTICE OF INTENT TO TERMINATE

Dear Dr. Barber,

This letter is to advise you of the university's intention to terminate your employment at the close of business on Friday, February 7, 2020 for misconduct. Effective immediately, you are being placed on paid administrative leave, pending final disposition of this proposed personnel action.

As you should know, in early 2016, there was a complaint submitted through the university's IntegrityLine that alleged a conflict of interest between a fellow faculty member at the Institute for Simulation and Training (IST) and an employee of an agency sponsoring research at IST. That agency employee was also a Modeling & Simulation (M&S) doctoral student¹. The allegation was that the faculty member at IST was helping the agency employee/student unusually as he continued in the academic program in exchange for his providing and overseeing research funds to support research in an IST lab. The University Compliance, Ethics, and Risk (UCER) Office investigated the matter internally. Steps were to be implemented beginning in June 2016 to ensure that there would be no perceived or actual conflicts of interest involving any agency employees who were enrolled in the M&S program and had research oversight on grants to IST. The university trusted that the necessary steps for maintaining the integrity of IST's research program and the M&S graduate program would be implemented.

As you know, since the fall of 2018, the Washington DC-based law firm of Cohen, Seglias, Pallas, Greenhall, & Furman, PC (CSPGF) has been investigating academic matters involving IST and students in the M&S Graduate Program, as well as other issues. CSPGF submitted a report last month just before our holiday break and, based on the findings in the attached report², the university proposes to terminate your employment. As permitted under Article 16.7 of the *2018-2021 BOT-UFF Collective Bargaining Agreement (CBA)*, less than six months' notice is being provided to you because of the seriousness and scope of the misconduct

¹ The identity of the student is suppressed throughout this letter due to consideration of the Family Educational Rights and Privacy Act (FERPA).

² Some names in the CSPGF report have necessarily been redacted for reasons such as FERPA.

described in the report, misconduct that has adversely affected, and would continue to adversely affect, the functioning of the institution. The investigation, which is ongoing, may provide evidence of further misconduct or incompetence on your part.

Specifically, the grounds for this proposed personnel action include:

- You served on the dissertation committee for the agency employee/student described in the 2016 IntegrityLine complaint. CSPGF discovered several academic and research irregularities pertaining to this dissertation, as well as to related documents, including:
 - The unusually short time between final selection of a dissertation topic and defense of the dissertation (especially for a part-time student, who enrolled in 15 hours of dissertation credit in an academic term following the closure of UCER's internal investigation).
 - The unattributed work of other students in an IST lab that was included in the dissertation document submitted by the agency employee/student.
 - The substantial editorial assistance the agency employee/student received for his dissertation from yet another student in the same IST lab.
 - The suspicious metadata attached to Word and PowerPoint files related to the dissertation that suggests the agency employee/student was not the creator/author of documents, including the dissertation document he submitted, for which he claims sole credit.³
 - The inclusion of an outdated Institutional Review Board (IRB) approval letter as an appendix in the dissertation document submitted by the agency employee/student. The agency employee/student's name does not appear on the letter; the IRB approval for the research was to expire more than one year before the agency employee/student was admitted to doctoral candidacy.
- You violated Regulation UCF-3.108 (Conflict of Interest or Commitment; Outside Activity or Employment) because, as an investigator on a grant from an agency that was overseen by the agency employee/student on whose doctoral research committee you were serving, you had a contractual arrangement that impeded the full and faithful discharge of your public duties.
 - The UCF Graduate Catalog states, "Members of the Graduate Faculty cannot have personal or financial (including employment) arrangements that may pose a conflict of interest with a student on whose thesis or dissertation committee they serve."
 - This is known not be the only instance in which you have served on a dissertation committee for an agency employee/student who provided and oversaw funding for your research.
- You and current and former IST colleagues created a private enterprise, DUJO, LLC, in 2012 by using UCF resources (including lab space, computers, and students) without proper authorization. Furthermore, you did not protect the university's intellectual property rights to what the CBA characterizes as a "university-supported effort." Such a work is the property of the university.
- You violated UCF's Employee Code of Conduct by failing to consistently treat graduate students working in labs at IST with respect and dignity.

³ This point, along with the two preceding points, are strong circumstantial evidence of plagiarism involving multiple parties, including you. Plagiarism (academic misconduct) would be a violation of the code of conduct for UCF students and would disqualify the agency employee/student for an M&S doctoral degree based on standards established by UCF's College of Graduate Studies. Additionally, involvement of UCF/IST faculty and staff in plagiarism would constitute a violation of UCF Policy 4-211.1 (Research Misconduct Policy).

These factors have resulted in an irreparable breach of the trust the university must place in its employees, particularly faculty who routinely interact with the university's key partners and whose responsibilities include guiding graduate students and ensuring compliance with responsible research practices. The university will follow up on this matter with the former student whose dissertation and degree are suspect, as well as with appropriate governmental and accreditation agencies.

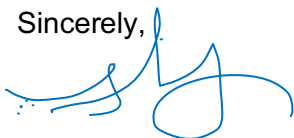
Therefore, effective immediately, you are hereby directed not to return to any UCF campus, including UCF-occupied space in the Central Florida Research Park, without notifying me in advance and receiving my approval and my assistance arranging for an escort. You are forbidden to contact any current UCF employees or students personally or via telephone, email, text, social media, or in any other way without my approval in advance. You are also to refrain from contacting research sponsors, donors, former UCF employees, former UCF students, and any other entities professionally affiliated with IST or UCF in any way while you are on paid administrative leave. At this time, you must surrender any UCF property that is in your possession or under your control including, but not limited to, identification cards, keys, laptops, and other computers and equipment. Any such UCF property that is not currently on campus must be returned to me by noon, Tuesday, January 28, 2020. If I learn that you have not abided by these directions, your insubordination will be considered additional grounds for your termination. After our meeting here this morning, you will be escorted back to your office for five minutes to claim any personal items that you need to take with you immediately.

The university desires to reduce the risk of error in taking an action such as this against you and is therefore interested in receiving and considering any relevant information you may wish to provide concerning this matter. In accordance with Article 16.4 of the CBA, you have ten calendar days, that is, until 10:00 am on Thursday, February 6, 2020, to provide a written response regarding the findings in the attached report that pertain to the grounds listed above. Any response should be addressed to my attention in the Office of Research, Millican Hall 243.

If you intend to provide your written response to this notice in hardcopy form in person, please let me know at least 24 hours in advance of when you intend to come to campus so that I may arrange an escort for you. You may notify me of your intention via email at Elizabeth.Klonoff@ucf.edu. You may also submit your written response to me via email no later than 10:00 am on Thursday, February 6, 2020.

After any timely written response is reviewed and no later than Friday, February 7, 2020, a final decision on your proposed termination will be rendered based upon all information available. You will receive a letter from the university communicating that decision as soon as practicable.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Elizabeth Klonoff', with a stylized flourish at the end.

Elizabeth A. Klonoff, Ph.D., ABPP
Vice President for Research and Dean of the College of Graduate Studies

Attachment (1): Investigative Report (redacted) by CSPGF

cc: Thad Seymour, Jr., Interim President
Michael Johnson, Interim Provost
W. Scott Cole, Vice President and General Counsel
Rhonda Bishop, Vice President for Compliance and Risk
Robert Taft, Chief Audit Executive

By signing and dating below, the recipient acknowledges receipt of this notice:

Signature of Recipient

Date