

From: "retractions@littleofficeofintegrity.org" <retractions@littleofficeofintegrity.org>
To: Karen Wallace <karen.wallace@rcr.ethics.gc.ca>; Z-SRCR <secretariat@rcr.ethics.gc.ca>
Sent: Tuesday, February 2, 2016 3:28 PM
Subject: Allegation of institutional non-compliance Against Memorial University of Newfoundland (MUN)

Dear Ms. Wallace,

Allegation of institutional non-compliance Against Memorial University of Newfoundland (MUN)

This complaint is concerned with the manner in which Memorial University conducted an investigation into the research integrity allegations that I submitted on November 23, 2014. A copy of the allegations was also sent to SRCR at the same time.

On December 19, 2014, Memorial University asked me to give my consent to notify Queen's University, Western University and Simpson, Gumpertz & Heger Inc. Accordingly, I gave my consent on December 22, 2014 and Memorial confirmed that it would "cooperate with any investigations arising at Queen's or Western to the extent possible, while respecting our obligations under the MUN-MUNFA Collective Agreement."

Did Memorial University notify Queen's and other institutions? Queen's University Research Integrity Policy states that, "If the alleged misconduct involves collaborative research conducted at multiple institutions the following procedures may need to be modified to facilitate joint or parallel investigation processes. " As far as I am aware, no such parallel investigation was conducted in a transparent manner and at no time was I informed by Queen's University to participate in the process.

The investigation process followed by Memorial University was non-transparent. The Collective Agreement between Memorial University and Memorial University of Newfoundland Faculty Association states that the investigation shall be conducted in such a way as "to balance the need for a fair investigation with the rights to privacy". A fair investigation should be adequately transparent to give credibility to the investigation process.

I am concerned that Memorial University is in violation of section 4.3.4 (b) of the Framework. According to the Framework, the investigation process should provide the complainants with an opportunity to be heard as part of the process of determining the validity of an allegation. Memorial University should have followed a research integrity policy which "must meet the minimum requirements of the RCR Framework."

The University did not provide an opportunity for me to question the composition of the investigative committee nor did it allow me to raise concerns about the issue of potential conflict of interest. According to section 4.3.4 [c] of the Framework, "*the investigation committee shall include members who have the necessary expertise and who are without conflict of interest, whether real or apparent, and at least one external member who has no current affiliation with the Institution.*"

Note that in 2007, Dr. Paul Pencharz (University of Toronto and the Hospital for Sick Children's Research Institute) reviewed Memorial's policies and processes regarding research integrity in the wake of allegations against former faculty member [Dr. Ranjit Kumar Chandra](#). Dr. Pencharz made a number of recommendations for improving the review of the research integrity allegations and for correcting scientific record. It seems that those recommendations have not been taken seriously.

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The investigation conducted by Memorial University in 2015 was flawed and lacked procedural fairness. According to the Panel on Responsible Conduct of Research (PRCR), it is the institution's responsibility to review the allegations during the inquiry phase to determine whether the allegations are responsible or not. This is the requirement under section 4.3.4 (a) of the Framework. A responsible allegation is an allegation which falls within one or more breaches set out in section 3.1.1 of the Tri-Council Framework. The inquiry phase was not conducted in accordance with section 4.3.4 (a).

Furthermore, the University did not comply with the Framework to determine the validity of the specific allegation (redundant publication) in accordance with section 4.3.4 (b), did not determine whether a breach of Agency policy had occurred, and did not provide the complainant with an opportunity to be heard as part of such an investigation. This is in non-compliance with the agency policies.

Section 3.2 of the Agreement on the Administration of Agency Grants and Awards by Research Institutions states:

"The Institution shall comply with the requirements set out in the Tri-Agency Framework: Responsible Conduct of Research, as amended from time to time, which sets out the responsibilities of institutions, Researchers and the Agencies in respect of the responsible conduct of research, including the procedures to be followed in the event of a breach of an Agency requirement, or an allegation thereof."

The University is in breach of the Agreement.

I request that the SRCR require the institution to conduct an inquiry into specific allegations of redundant publication in a manner consistent with the agency policy.

As far as I am aware, despite the existence of the clear cases of redundant publication and substantial supporting documents, records are have not been corrected for funding agencies.

Sincerely,

Mort Shirkhanzadeh