

Shane Williamson

Director General, Program Coordination Branch Science and Innovation Sector -

Industry Canada

C.D. Howe Building 235 Queen Street Ottawa, Ontario K1A 0H5

Sent electronically, April 22, 2012

Dear Mr. Williamson,

This is further to my previous correspondence regarding the research integrity case involving NSERC. I would like Industry Canada to look into my specific concerns below.

I fully understand that the day-to-day oversight of NSERC policies and the management of specific files, all fall within the purview of NSERC president. But my concerns regarding this matter have not been dealt by NSERC officials in accordance with the established procedures. Please note that NSERC has had ample opportunity to exercise its authority and to hold the institution accountable but has failed to implement the Framework.

Allegations of Institutional Non-Compliance against Queen's University

On January 4, 2010, the allegations of misuse of agency funds (appendix I, below) were sent to NSERC and to the institution (Queen's University). The allegations were accompanied by substantial supporting evidence of misconduct. I have attached the supporting evidence here so that you can have a better understanding of the scale of the misconduct.

Despite all the efforts that the government has made in recent years to strengthen the Framework, the University official in charge of investigation (Dr. Kerry Rowe) denied the overwhelming evidence before him and did not allow a full investigation:

Section 6c of the Queen's University Senate Policy on Integrity in Research, which is approved by NSERC, defines the condition that would necessitate a full investigation:

A full investigation is necessary if "there is sufficient evidence to indicate a situation may exist that would constitute misconduct".

Dr. Rowe violated section 6C of the policy and prevented a full investigation by refusing to objectively look into the overwhelming, clear, and undeniable evidence of serious misconduct. He had before him a large body of irrefutable evidence in support of allegations to realize that a situation may exist that would constitute misconduct and, therefore, a full investigation was necessary. And yet Dr. Rowe wrote: "I could find no evidence to indicate that there was misconduct or an intent to mislead".

Dr. Rowe sent his decision to me on August 31, 2010 and warned me against lodging any further allegations. As a punishment and means of intimidation, he placed the decision letter in my employment file.

Dr. Rowe violated section 6C of the research integrity policy and deliberately ignored the facts before him in order to prevent a full investigation. Anyone capable of reading can see that the duplicated papers with bogus authorship were undeniable evidence of serious violation of the NSERC's research integrity policy.

Dr. Rowe, who acted alone in making decision in this case, can hardly be considered unbiased and free of conflict of interest. Somebody that was seriously criticised in 2006 by the NSERC's Committee on Professional Scientific Integrity (CPSI) for conducting a sub-standard investigation should not have been allowed by NSERC in 2010 to be the sole examiner of a series of new allegations so closely related to the old investigation. As you may be aware, in 2006 the CPSI found that the university's investigation was "not sufficiently at arm's length" and that the investigation report "lacked thoroughness". The committee recommended severe sanctions to be imposed at that time.

It is clear that the University failed again in 2010 to objectively investigate the new charges of publication duplication and misuse of agency funds as required by NSERC-Schedule 4: Integrity in Research and Scholarship. The agency's policies breached by the institution include policies and procedures that ensure integrity in research and in management of grants.

NSERC officials are well aware that the allegations are serious and substantiated. Yet despite that, they are ineffective in implementing the Framework and do not

allow my allegations of institutional non-compliance against Queen's University to be examined in accordance with the well-established schedule 8. NSERC officials are complicit in this case and as such should be independently investigated. What is the use of all these recent changes introduced by the government to strengthen the research integrity policies, if abuses of this scale can be so easily swept under the carpet with no accountability?

Important principles are at stake. I am requesting a review by Industry Canada.

I would be happy to provide more detailed information if required. I am looking forward to your response.

Sincerely,

Mort ShirkHzadeh

Associate Professor,

Department of Mechanical and Materials Engineering,

Queen's University,

Kingston, Ontario, K7L 3N6

Canada

CC:

Susan Zimmerman, Executive Director (Secretariat on Responsible Conduct of Research)

Suzanne Fortier, NSERC President

Appendix I:

Allegations of misuse of agency funds

The results published in CMQ by Smith & McKay in 2003 (paper #1, attached) are entirely copied from two previously published papers in 1988 (see papers #3 and 4). Smith and McKay have eliminated the original co-authors (De Mount and Ghoreshy) and give the impression that the research reported in CMQ is new. As such the duplicated article is misleading and represents a severe abuse of the scientific publishing system and abuse of the support provided by NSERC.

Contrary to what Smith & McKay claim, it seems that financial support received from NSERC in 2003 was not used to conduct the research described in CMQ. There was no need to do research since the entire results and discussions reported in 2003 were available to authors in 1988. It seems that the financial support in 2003 was used to pay someone (two times) to retype, copy, and paste the same old material from 20 years ago.

It seems that NSERC funds and other support received from industry were not used for a legitimate purpose. Old material published in 1988 were used to fraudulently manufacture two new duplicated papers in 2003 and 2004 with different titles and different authorship and were subsequently used to support a grant application. The intent to mislead is abundantly clear.