

Date: Wed, 23 Dec 2009 15:56:54 -0500  
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From: Mort ShirkHzadeh <[shirkhan@queensu.ca](mailto:shirkhan@queensu.ca)>  
Subject: Further Allegations of institution non-compliance  
Cc: Kerry Rowe <[rowek@queensu.ca](mailto:rowek@queensu.ca)>  
Bcc: [shirkhan@queensu.ca](mailto:shirkhan@queensu.ca)

Dear Ms. Emond,

I am requesting that my allegations below be investigated in accordance with schedule 8: Investigation and Resolution of Breach of Agency Policies of the MOU. Please let me know if you require further clarification.

#### Allegations of institution non-compliance

Many of the allegations against Dr. Smith and co-workers that were brought to the attention of Dr. Rowe in 2005 were related to the issue of republication and recycling of old data. These allegations and supporting documents were sent to the Dr. Rowe's office on February 22, 2005, March 22, 2005, April 12, 2005, April 25, 2005, April 28, 2005, May 16, 2005, June 13, 2005, July 29, 2005, September 12, 2005, and October 12, 2005.

According to Dr. Rowe's letter of December 22, 2005, Dr. McLatchie was selected to receive all of the material, including responses from the external expert, and then render a final opinion on the file. The records show that despite Dr. McLatchie's concerns for the scale of recycling and republication, he did not make any attempt to determine whether or not a breach of integrity with respect to the republication issue took place. Dr. McLatchie's overall assessment in 2005, as reported to me, was as follows:

1. No evidence of data falsification
2. No evidence of plagiarism
3. Copyright agreements may not have been observed.

It is clear that the allegations of republication and recycling of old data were not included in the overall assessment. This is obviously in breach of the Agency policy. According to the Tri-Council Policy Statement, it is the responsibility of the institution to determine whether or not a breach of integrity took place.

At the time of preparing his overall assessment, Dr. McLatchie was aware of the "holus-bolus recycling" of old material. In one part of his report, he declared that the scale of the recycling activity was "remarkable." In another part of the report, he wrote: "I do not detect in the multiple published materials I have read much evidence of respect for the process." He went on to say: "We see minor amendments to title or abstract, and wholesale reproduction of previously published boilerplate, grammatical warts and all." Yet despite these observations and his concerns for the "cavalier regard for the norms of academic publication", Dr. McLatchie did not make any reference to the issue of republication in his overall assessment, did not determine whether or not a breach of integrity took place, and did not make any suggestion for correcting the scientific records.

Dr. McLatchie was selected with the approval of Dr. Smith. Furthermore, he had a clear conflict of interest in this case that should have been declared in the report. On September 9, 2005, NSERC asked the university to pay particular attention to the issue of "avoiding real or apparent conflicts of interest in selecting individuals to participate in the investigation".

It is clear that the university did not follow appropriate procedures in arriving at its conclusion. This is in non-compliance with the Agency policy.

I request that appropriate procedures be followed by the institution to determine whether or not a breach of integrity took place with respect to the issue of republication and recycling of old materials.

Sincerely,

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