

August 4, 2014
From: Morteza Shirkhanzadeh
Sent: August 4, 2014 5:37 PM
To: [REDACTED]
Subject: FW: Breaches of Agency Policies by Queen's University

Dear [REDACTED]

I would like to provide you with the following additional information regarding the allegations of institutional non-compliance that I have brought to your attention:

1. The title of the Queen's University's investigation report is "[Final Report](#) of Research Integrity Investigative Committee" (November 2013) (emphasis added). I would like to stress again that the report is considered final, and in any case I am concerned that the University did not comply with the Agency policies in handling the specific allegations of redundant publication and plagiarism.
2. Of particular relevance to this case, are the [Agreement on the Administration of Agency Grants and Awards by Research Institutions](#) and the Tri-Agency Framework: Responsible Conduct of Research. I am concerned that the University is in breach of the Agreement. Such allegations and supporting documents can be submitted to the Agency at any time when a breach is discovered, and the Agency has to investigate the allegations in accordance with the Agreement.
3. Section 3.2 of the Agreement states that "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."
4. Section 4.3 of the Agreement outlines how an Agency may "require the Institution to cause an independent review to be carried out promptly." It is clear that the Agency needs to compile all the allegations of non-compliance submitted by the complainant and ask for further supporting evidence, if required, to fully appreciate the extent of the breach.
5. Section 4.4 of the Agreement deals with "Default and Remedies". The evidence that the University violated the Agency policies, misrepresented the facts in the report and excluded allegations of plagiarism and key complainants is compelling. The University has committed a material breach of the Agreement.
6. An independent review should be carried out to promptly look into the compliance issue. I am adversely affected by the lack of compliance and oversight. The procedural fairness requires that I should be advised in a timely manner of the procedures the Agency intends to follow in addressing the institutional non-compliance.

7. It is also clear that my rights and interests will be directly affected by any action that the Agency may take in this case. Procedural fairness requires that I receive a fair and unbiased hearing before the decision is made.

I am concerned about the lack of clear information on how the Agency would investigate my allegations of institutional non-compliance. Under Section 3.2 of the Framework (Roles of Individuals in Addressing Allegations of Policy Breaches), it is stated that: “Researchers and others play important roles in the process for addressing allegations of policy breaches”, but there is no guidelines in the Framework or in the Agreement for those making allegations of institutional non-compliance to ensure that allegations are addressed appropriately and in a timely manner.

Under section 4.3.4, the Framework outlines how the allegations of research misconduct are investigated. But there is no information in the Framework or in the Agreement on how the Agency investigates the allegations of institutional non-compliance that it may receive directly from a complainant. There is no detailed information about the inquiry phase for such investigation. There is no transparent process for determining the validity of the allegations of institutional non-compliance, and it is not clear how the complainant will be given with an opportunity to be heard as part of the investigation/ independent review process.

There is no information in the Agreement on how an investigation committee or a qualified person is appointed with the authority to decide whether a breach of the Agreement occurred. There is no information about the timelines for completing the investigation/ review process, reporting the findings, making a decision, and communicating with parties involved including those directly affected by the lack of compliance.

I look forward to hearing from you.

Sincerely,

M. Shirkhanzadeh

*Mort Shirkhanzadeh
Associate Professor
Department of Mechanical and Materials Engineering
Nicol Hall, Room 328A , 60 Union Street
Queen's University, Kingston, Ont.,
Canada K7L 3N6*