

Public Interest Incorporated Foundation Kawasaki Institute of Industrial Promotion Outlines for handling Misuse of Public Research Expenses

(Purpose)

Article 1 The outlines aim at raising credibility and justice in research and development of the Public Interest Incorporated Foundation Kawasaki Institute of Industrial Promotion ('the Foundation'), and shall determine the handling on misuse of public research expenses and the like at the foundation.

(Research Scientists)

Article 2 Research scientists who are the subject of the outlines are the individuals involved in research at Innovation Center of NanoMedicine ('the Center') regardless of position and category of employment, and all research scientists who eventually engage in research. ('the research scientists etc.')

(Public research expenses)

Article 3 'Public research expenses' subject to the outlines shall include any conducts and results from application for research plans, implementation of research and publicising and reporting their results, and administration involved in all these activities done by the foundation with use of the publicly offered research resources ('public research expenses') focused on competitive funds distributed by the Ministry of Education, Culture, Sports, Science, and Technology ('the MEXT'), the independent administrative agencies under the jurisdiction of the MEXT and the ministries excluding the MEXT or the independent administrative agencies under the jurisdiction of the ministries excluding the MEXT, or local governments and the group under the jurisdiction of local governments ('the governments').

Also subsidies from the private sector into research activities or donation and the other resources related to research shall be properly dealt with according to the guidelines.

2 'Misuse' of Public research expenses refers to spending the competitive resources and the like for other than research purpose with intention or serious mistake, or the use by breaching the content or the imposed conditions at the decision of the competitive resources issue.

(Supervising Officer)

Article 4 Supervising officer regarding prevention of misuse in public research expenses and the like shall be the head of Innovation Center of NanoMedicine. Supervising officer shall co-operate with the relevant individuals and shall interact to the situation in strictly in which misuse of public

research expenses has been carried out or if there is a fear of misuse, and co-operate with the relevant individuals strictly and appropriately.

(Reception desk)

Article 5 The desk which receives consultation, investigation request, or allegation ('the allegations etc.')

etc.') concerning misuse of public research expenses ('the reception desk') is installed in the Management Office of iCONM Center.

2 Supervising officer may install the reception desk outside the foundation in addition to the preceding paragraph, if necessary.

(Common knowledge of Handling System etc.)

Article 6 Supervising officer shall announce the consultation procedure regarding the reception desk and the allegation, and necessary items to the research scientists and the external of the foundation to have them acknowledge these matters.

(Procedure of Allegation etc.)

Article 7 Allegations etc. shall be made by telephone, in writing inclusive of fax and emails, or by interviews.

2 Allegations etc. in the preceding chapter shall be made by real name, and demonstrate the following items.

(1)Name(s) or name of the research scientist(s) or the group and team who were accused of committed misuse.

(2)Specific content of the misuse

(3)Scientifically rational reasons why the content of the misuse was injustice

3 If an anonymous allegation has been made, it shall be possible to handle it in accordance to an allegation by real name, according to the content.

(Handling Allegations etc.)

Article 8 Reception desk shall report the supervising officer, director-general, executive director, and chairperson promptly on receiving allegation etc. In case the allegation was in writing, the person who reported the allegation (excluding the case which was made by anonymous, however it shall be handled as the same as the person with real name if the name of the person who made the allegation was discovered, before the investigation results come out, 'the alligator/accuser') shall be informed.

- 2 If the case in the preceding paragraph occurs, reception desk may request co-operation for investigation and the like that will be carried out on the basis of provision of further detailed information or the allegation.
- 3 Reception desk shall circulate the allegation etc. to the head of the other organisations if the respondents to the subject include those who belong to the organisations outside the foundation ('the other organisations').
- 4 Apart from the items determined in the preceding Article 2, the supervising officer could handle according to what were in the allegations etc. described in the Article 7, in case he/she ensures the other organizations pointed the suspicion of the misconduct was pointed out through media or academic society, or suspicion of the misuse has been listed on websites (only if the contents of the case such as the aspects of the research scientists, groups, and the misuse which have been alleged as if he/she had committed, research scientists and the groups, the scientifically rational reasons which have verified as misuse have been shown).

(Duty of Staffs etc. at Reception desk)

Article 9 Staffs at the reception desk shall not break the secret which they could know through their duty. It shall be the same even after they become no longer the staff at the reception desk.

(Interaction and Measures on Misuse of Public research expenses)

Article 10 Concerning consultations which do not clarify the intention of allegation, the Supervising Officer shall examine and scrutinize the content according to the content, and ensure the consulter whether he/she has intention for allegation if the supervising officer admits that there are adequate causes. Even if there was no declaration of intention to make allegation, the supervising officer may implement the preliminary investigation, if he/she approves the necessities.

- 2 Concerning allegations in which misuse has been about to be committed or being asked to commit, supervising officer shall examine and scrutinize them, and if he/she admits considerable reasons and could issue a warning to the person who has been the suspicion of misuse of public research expenses ('the respondent'). However, if the respondent belongs to the other organizations, he could notify the case to the other organizations. When the foundation issues a warning to the respondent who belongs to the other organisations, he shall inform the other organisations about the content of the warnings etc.

(Implementation of Preliminary Investigation)

Article 11 Supervising Officer, shall implement preliminary investigation regarding the following

matters in the next items with the co-operation from the experts etc. in the relevant fields of the internal foundation where the allegation on misuse of public research expenses has been made when he/she decides that investigation is necessary.

- (1) Determine the possibility and fact whether the accused misuse has been committed
 - (2) Scientifically rational reasons and logicity that were indicated at the allegations etc.
 - (3) Others, the facts recognised as necessary
- 2 Supervising officer may appoint the investigation committee stipulated in Article 13 to execute preliminary investigation.
 - 3 Supervising officer shall promptly report the results from preliminary investigation to chairperson after preliminary investigation in paragraph 1.

(Implementation of Formal Investigation)

Article 12 Chairperson shall ensure the rationality of the content of the allegation, regardless of the preliminary investigation was carried out or not, and within 30 days from the date when the allegation was received, and decide whether the formal investigation is necessary or not.

- 2 If chairperson acknowledges implementation of the formal investigation is necessary, he/she shall notify the accuser and the respondent that the formal investigation would be done within 30 days starting from the date when the allegations etc. was received.
- 3 Chairperson shall report the organisations which allocated the funds ('the allocation organisations', also we call 'the research funded by 'the allocation organisations' as 'the research related to the allocation organisations')

whether formal investigation is necessary or not, within 30 days from the date when the allegation and the like were received. Also concerning the implementation of formal investigation, he/she shall report the allocation organisations and the ministries and local governments where reporting is mandated regarding investigation policy, subject for investigation and method, and discuss about these.

- 4 Accuser and respondent must co-operate the investigation faithfully, when they received the notice of the implementation of formal investigation in paragraph 2.
- 5 Chairperson shall notify accuser with reasons when he/she decided not to implement formal investigation. In this case, he/she shall disclose the results from the preliminary investigation according to the requests from the distribution organization and the accuser.
- 6 When investigating an alleged case, except when an accuser admitted, chairperson shall pay full attention so that the accuser would not be specified by the individuals excluding those who are involved in the investigation and the respondent.

(Installation of Investigation Committee)

Article 13 Chairperson shall install the foundation's misuse investigation committee ('the investigation committee') including the external experts promptly after notifying the implementation of the formal investigation.

2 The investigation committee consists of 1 chairperson, deputy chairperson, and some committee members.

3 Appointment and Duties of the investigation committee members, etc.

(1) Chairperson shall appoint chairperson, vice chairperson, and members of the committee among the individuals who do not have direct conflict of interests with the foundation, accuser, and respondent.

(2) More than half of the investigation committee members shall be consisted of the external experts.

(3) Chairperson of the committee shall take control the mission.

(4) Vice chairperson shall assist the committee, and when there is an accident on chairperson, to attend to his duties.

4 When Chairperson installed the investigation committee, he/she shall notify accuser and respondent the names of the investigation committee ,members of their institution.

5 Accuser and respondent may appeal against the investigation committee members within 7 days from the date when they received the notice.

6 When there is an appeal in the preceding paragraph, chairperson shall review the contents. If he/she determined that the content us appropriate, he/she shall change the investigation committee member who is who involved in the appeal, at the same time, he/she shall notify the accusers and the respondent about this.

7 When chairperson dismisses the appeal, he/she shall notify the accusers and the respondent with reasons.

8 Administration of the investigation committee is executed by the Industrial Support Division.

(Measures at investigation)

Article 14 Chairperson may instruct or request the necessary measures to conserve necessary materials and data for investigation.

(Securing business conduct means for research scientists etc.)

Article 15 Chairperson shall demand each relevant division for the necessary measures in order to

secure the business conduct means for the research scientists or the like other than the respondent. Also, it is the same for the case in which conservation of samples and the like are required in closed laboratories.

(Investigation by the Investigation Committee)

Article 16 Investigation by the investigation committee, in principle, to start within 30 days following the implementation of the formal investigation is decided.

- 2 The investigation items by the investigation committee shall include whether the misuse exists or not and the content of the misuse, the individuals who are involved in and their degree of involvement, approximate amount of misuse etc. The investigation shall be carried out by scrutiny of the budget execution documents related to the research expenses and the other materials which were pointed at allegations and the like and hearing of the relevant individuals. The investigation committee shall demand the respondent for submission of additional materials according to necessity, and carry out investigation and the like on the basis of them.
- 3 In the investigation in the preceding paragraph, the investigation committee shall give respondent an opportunity for defense and conduct the hearing.
- 4 Respondent must describe the facts with his/her own responsibility, the public research expenses have been used in accordance with reasonably appropriate modalities and procedures if he/she intends to dispel the suspicion related to the allegation etc. at the investigation by the investigation committee.
- 5 Concerning implementation of investigation and the like in paragraph 2, the investigation committee may seek necessary co-operation and the like from the accuser, respondent, and the other individuals involved in the case.
- 6 Accuser, respondent, and the other individuals involved in the case who were asked for co-operation in the preceding paragraph shall faithfully co-operate this etc. it is impossible for them to refuse without valid reasons.
- 7 Notwithstanding the provisions in paragraph 2, the investigation committee may treat the other research expenses of the respondent which are relevant to the investigation as the investigation subject if the committee recognizes it as beneficial and necessary for the investigation.
- 8 The investigation committee may take measures to preserve the material which could be the evidence, when the investigation in the preceding paragraph is executed.
- 9 In the investigation, careful consideration shall be taken so that pre-publicized data related to the investigation subject or information which should be confidential for research on papers or

technical reasons would not be leaked to outside of the necessary range (including a case in which the provision of information to the accusers) during the investigation.

(Certification of whether misuse or not)

Article 17 Investigation Committee must comprehensively judge all evidence comprised of the documentary evidence (including electronic media), testimonies, acknowledgement of the respondent, etc. obtained from the description by the respondent and investigation and certify whether the case is misuse or not. Also, the content of the certification shall include whether there was misuse or not, the content of misuse, the individuals who have been involved and the degree of involvement, equivalent of unauthorised expenses etc.

2 The respondent shall be certified as misuse if he/she could not dispel the suspicion of misuse by the description and the other evidence at the investigation committee.

(Notification and reporting of investigation result)

Article 18 Investigation committee shall compile the results of the investigation at the same time certifying the facts in the following numbered items, within 150 days following the initiation of the formal investigation unless there are specific circumstances, and report to chairperson.

(1) Misuse has been committed or not

(2) If it is certified that misuse has been committed, the content, the individuals involved in the misuse and the degree of involvement, the name of the public research expenses and its allocation organisation.

(3) If it was certified that misuse has not been committed, whether the allegation was based on malice of the accuser or not.

2 In certifying the preceding paragraph (3), an opportunity for defense must be given to the accuser.

3 Chairperson shall notify the accusers and respondents (including the individuals other the respondent who were certified the involvement in the misuse) if he/she received the report of paragraph1 promptly.

4 Chairperson shall report the allocation organisation, the ministries, and the local governments where reporting is compulsory. The content of the report shall include the content of 'Reference materials 2 (The matters to be included in the report)' of 'The Guidelines for the control and audit (Implementation criteria) of public research spending in Research Institutions (revised and adopted on February 18,2014)' by the Ministry of Education, Sports, Science, and Technology(MEXT). Also, when a part of facts in misconduct was confirmed, even during

investigation, the investigation committee shall promptly certify it and report to the allocation organisations.

- 5 Chairperson shall submit the progress report and the interim report of the investigation by responding to the requests from the allocation organisation, in addition to the preceding paragraph, even before the completion of the investigation. In addition, it shall correspond to the requests by the allocation organisation in the local investigation such as submission or browse of the materials related to the case excluding when there are valid reasons, for example, there is a hindrance for the investigation.
- 6 If certified as the allegation based on malice, the investigation committee also shall report the affiliations of the accusers.

(Appeal)

Article 19 Respondent may appeal to chairperson with reasons within 10 days from the date when he/she received the notification and the result of the investigation notified chairperson was disclosed by chairperson if he/she is dissatisfied with the decision regarding the investigation notified by chairperson and the disclosed result. However, he/she may not repeat the appeal with the same reasons, even if it is within the period.

- 2 Accuser whose allegation was certified as the one on the basis of malice, may appeal to chairperson in writing with concrete evidence, reasons, etc. within 10 days from the date when he/she received the notification and disclosure of the investigation results if he/she is dissatisfied with the investigation results. However, he/she may not appeal with the same reasons.
- 3 Chairperson notifies the accuser of the appeal in paragraph 1 when he/she received it.
- 4 Chairperson notifies the respondent of the appeal in paragraph 2 when he/she received it.
- 5 Regarding the appeal in paragraph1 and paragraph 2, chairperson notifies the funds allocation organisations, if the research of the case was carried out with reception of the funds allocation from the other organisations.

(Examination of appeal etc.)

Article 20 Chairperson makes the investigation committee which performed the investigation to examine the appeal upon receiving an appeal in paragraph1 or paragraph2 of the preceding Article. However, if the effect of the appeal is related to constitution of the investigation committee etc., and its fairness, the chair person shall replace the members of the investigation committee and install a new investigation committee, if he/she recognises as necessary.

- 2 In the examination of the preceding paragraph, the effect and reasons of the appeal shall be

considered and the examination to decide whether the re-investigation would be carried out or not, and the result shall be promptly reported to the chairperson.

- 3 Chairperson notify accusers and defendants the result of the examination in the previous paragraph. In this case, if he/she decides to perform re-investigation, he/she shall ask the appeals' for necessary co-operation to resolve the case promptly, if the appeals do not offer necessary co-operation, he/she does not perform investigation or abort the investigation.
- 4 If the investigation committee initiated the re-investigation, it shall report the investigation result to chairperson within 50 days from the date when it received the appeal (30 days if the appeal is in the case under paragraph2 of the preceding article).
- 5 The provisions of sections in Article 18 shall apply mutatis mutandis to report of the investigation set fourth in the preceding paragraph.

(Announcement of investigation results etc.)

Article 21 When chairperson received the report that misconduct has been committed in the report of the investigation committee in Article 18 or Article 20-paragraph 4, ('the report of investigation result') The following facts shall be announced.

- (1) Affiliation and name of the individuals involved in the misuse
 - (2) Content of the misuse
 - (3) Content of the measures have been taken until the announcement by supervising officer or chairperson
 - (4) Affiliation and name of the investigation committee member
 - (5) Means and procedures of investigation etc.
 - (6) Others, the facts recognised as necessary
- 2 Chairperson , in principle, shall not announce the investigation results etc. if he/she received the report from the investigation committee that the misconduct has not been committed. However, he/she will announce the investigation results if the case under investigation leaked to external before announcement. Contents to be announced in this case are that no misuse was committed, the affiliation and name of the respondent, affiliation and name of the investigation committee members, the method and procedures of investigation, etc.
 - 3 Chairperson shall announce the name of the accusers and their affiliations, in addition to the preceding paragraph, if he/she receives the report in which the allegation was made by malice in the investigation result.
 - 4 In the case of the preceding paragraph 3, the period of appeal and the like in the provision Article

19-Paragraph1 shall be considered when announcement based on the investigation result is made.

(Handling Measures in case the misconduct in research activities was certified)

Article 22 When there was a report of the misconduct had been committed in the investigation results by the investigation committee in Article 18 or Article 20 Paragraph 4, chairperson shall take the following measures and sanctions against the individuals who has received the certification of misuse of public research expenses (hereinafter referred to as 'a certified person') and his/her managing supervisor, in addition to the announcement of the Article 21:

- (1) sanction based on the provisions of the foundation against an individual who committed misuse is applied
- (2) for a certified person, prohibition of the use of research expenses other than maintenance of the research equipments etc. from the date instructed by chairperson until the ban is cancelled.
- (3) For a certified person, the research expenses which he/she already used (including indirect expenses or administrative expenses) to be repaid in full or part. The amount of repayment is to be the certified amount as misuse.
- (4) Prohibition of research for a certified person from the date instructed by chairperson until it is released.
- (5) For a certified person, chairperson shall take disciplinary action on the basis of the rules of employment Article 44, in accordance with various guidelines, the manner, detailed regulations etc. established by the public research funding system of the country etc. The individuals to be applied and the method of disciplinary action comply with the foundation staff disciplinary action standards bylaws.
- (6) When management responsibility is recognised in the managing supervisor of the certified person, as well as the previous issue, chairperson shall take disciplinary action on the basis of the rules of employment Article 44.
- (7) If the misuse is determined to be in violation of laws and regulations, chairperson may make an allegation on the basis of the laws and regulations.

(Handling measures if misuse of public research expenses was not certified)

Article 23 When the report of the investigation committee in Article 18 or Article 20 Paragraph4 admitted there was no fact of the misuse of public research expenses of the research by the respondent, chairperson requests relevant divisions for the necessary measures shown in each of the following items in addition to announcement stipulated in Article 21 Paragraph 2 proviso.

- (1) Release of the measures and sanctions applied when the suspicion related to misuse of public research expenses arose
- (2) Notification to every individual relevant to the investigation that the respondent's use of public research expenses was reasonable
- (3) Implementation of disadvantage prevention measures and measures for restoration of honours for the respondent (including announcement if necessary)
- (4) Implementation of support including mental aspect for the respondent
- (5) Other necessary measures

(Prohibition of disadvantageous treatment)

Article 24 The foundation should not be a disadvantageous treatment for the accusers or consultants because they accused or the like to the reception desk regarding misuse of public research expenses. However, with respect to allegations, if malice is found in the accusers, it does not apply.

- 2 The foundation should not treat the individual who is subject to the allegation etc. disadvantageously because he/she was subject to the allegation.

(Prevention of Information Leakage)

Article 25 The Foundation shall fully consider not leaking information about the accuser, the respondent, the content of allegation, and the content of investigation until the announcement of the investigation results, except those who are involved in the investigation.

- 2 Concerning processing the cases such as implementation of the investigation, the foundation shall fully consider not to leak the data before announcement related to the research activities of the subjective investigation or the confidential information due to research in papers, or technical secret outside of the necessary range in performing investigation.

(Notes)

Article 26 The foundation shall provide the research scientists etc. except the respondent with all possible supports including mental aspects promptly after the investigation starts.

- 2 The foundation shall fully consider the research co-operators etc. regarding handling and action against the misuse of public research expense so that they are not penalized.
- 3 Including the results from the preliminary investigation, if there was a conduct which aimed at

entrapping research scientists where no adequate ground was found in the investigation results, the foundation recognises as research interference and takes necessary measures against the doers.

- 4 The officers, auditors, and the staffs under the employment regulation Article 2 and the staffs under the Article 3-11 of the foundation must co-operate the investigation of misconduct in research activities.

(Other items)

Article 27 If matters which are not set forth in this outline has occurred, the handling shall be established on the basis of 'The Guidelines for Control and Audit of Public research expenses in Research Institutions (Implementation Criteria) decided by the Minister of Education, Culture, Sports, Science and Technology, on February 15 2007 (revised on February 18, 2014)'

Supplementary provision

This outline is enforced from April 1, 2016.

*English translation of this document is for reference purposes only.

In the event of any conflict or inconsistency between the Japanese language version of this document and English translation of this document, the executed Japanese language version will govern the interpretation and construction hereof.