

## **Public Interest Incorporated Foundation Kawasaki Institute of Industrial Promotion Outlines for handling misconduct in research activities**

(Purpose)

Article 1 The outlines aim at raising credibility and justice in research activities of the Public Interest Incorporated Foundation Kawasaki Institute of Industrial Promotion (“the Foundation”), and shall determine the interactions against misconduct in research activities at the foundation.

(Research Scientists)

Article 2 Research scientists who are the subject of the outlines are the individuals who have been 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. (‘research scientists etc.’ )

(Research)

Article 3 The research subject to the outlines shall include any conducts and results from research activities in research planning applications, implementation of research, and its announcement and report etc. in the Foundation.

2. ‘Misconduct’ in research activities (‘research misconduct’) refers to fabrication, falsification, or plagiarism of the data and research results regarding research which are indicated in the announced research achievements/results by neglecting the basic duty of care that research scientists etc. should aware about, either intentionally or as a research scientist.
  - i Fabrication comprises the creation of non-existent data, research results, etc.
  - ii Falsification comprises the manipulation of the research materials, machines, procedures to alter them and process the data and results etc. from research activities into inauthentic ones.
  - iii Plagiarism comprises the misappropriation of other researchers’ idea, analysis method, research results, treatises or terminologies without the researchers’ consent or appropriate indications.

(Supervisor)

Article 4 The supervisor related to prevention of misconduct in research activities shall be the Director General of Innovation Center of NanoMedicine. The supervisor shall co-operate with the relevant individuals and shall interact strictly and appropriately on the occasion of research misconduct has been committed, or in the case of its fear.

2. The Foundation establishes an executive committee for the supervisor to perform the preceding paragraph. This setting shall be determined separately.

(Consultation)

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

concerning misconduct in research activities ('the reception desk') is installed in the Management Office of iCONM.

2. The Supervisor may install the reception desk outside of the foundation in addition to the preceding paragraph, if necessary.

(Information of processing system etc.)

Article 6 Supervisor shall announce the consultation procedures regarding the consultation desk, the allegation, and necessary information 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 of the research scientist(s) or the group and team who were accused of committed misconduct.

( 2 )Specific content of the misconduct

( 3 ) Scientifically rational reasons why the content of the misconduct 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 Consultation desk shall report the supervisor, director-general, executive director, and director 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, consultation 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. Consultation 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 supervisor 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 misconduct has been listed on websites (only if the contents of the case such as the aspects of the research scientists, groups, and the misconducts which have been alleged as if he/she had committed, research scientists and the groups, the scientifically rational reasons which have verified as misconduct have been shown).

(Duty of Staff etc. of consultation desk)

Article 9 Staff at the consultation desk shall not break the secret which they got to know through their duty. It shall be the same even after they become no longer the staff at the consultation desk.

(Handling and measures against misconduct in research activities)

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

2. Concerning allegations in which misconduct has been about to be committed or being asked to commit, the supervisor 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 research misconduct ('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 The supervisor 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 research misconduct has been made when he/she decides that investigation is necessary.

- i Determine the possibility and fact whether the accused misconduct has been committed.
  - ii Scientifically rational reasons and logicity that were indicated at the allegations etc.
  - iii Regarding the papers and electronic media in which various types of measured data are recorded, iCONM lab note ,research samples and the like, that allows verification of the post research results, whether the period from the announcement of the research activities related to the accused case until allegation exceeds the storage period stipulated by the foundation or the reasonable storage period in accordance with the characteristics of the research field or not.
  - iv Others, the facts recognised as necessary
2. The Supervisor may appoint a few or all of the members of the Investigation Committee

- prescribed in Article 13 for the preliminary survey in advance and have them conduct the survey.
3. If the preliminary investigation against the academic papers and the like which had been withdrawn before the allegation and the like was made is implemented, the supervisor examines whether the matter should be investigated as a misconduct based on the circumstances or not, based on and the circumstances that led to the withdrawal in addition to Paragraph 1 of the matter shall be examined.
  4. The supervisor shall promptly report the results from preliminary investigation to the Director after preliminary investigation in paragraph 1.

(Implementation of Formal Investigation)

Article 12 The Director 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 the Director 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. If the research related to the case was funded by the funds allocated from outside of the foundation, the Director 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. Director 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, Director 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 Director shall install the foundation's misconduct 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.
  - i Director shall appoint chairman, deputy chairman, and members of the committee among the individuals who do not have direct conflict of interests with the foundation, accuser, and respondent.
  - ii More than half of the investigation committee members shall be consisted of the external experts.
  - iii Chairman of the committee shall take control the mission.
  - iv Deputy Chairman shall assist the committee, and when there is an accident on Chairman, to attend to his duties.
4. When Director installs 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, Director shall review the contents. If he/she determines that the content is appropriate, he/she shall change the investigation committee member who is involved in the appeal, at the same time, he/she shall notify the accusers and the respondent about this.
7. When Director 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 Director may instruct or request the necessary measures to conserve necessary materials and data for investigation.

(Securing research conduct means for research scientists etc.)

Article 15 Director shall demand each relevant division for the necessary measures in order to secure the research 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 misconduct exists or not and the content of the misconduct, 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 papers related to the research, experiments, lab notes, raw data, 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 re-experiment and the like and submission of the necessary materials and carry out investigation and the like on the basis of them.

3. In the investigation in the preceding paragraph, the investigation committee must give respondent an opportunity for defense and conduct the hearing. If the committee demands a re-experiment etc., the period and the opportunity (including equipments, expenses, etc.) must be given to the respondent.
4. Respondent must describe the facts with reference to scientific evidence that with his/her own responsibility, the research has been carried out in accordance with scientifically appropriate modalities and procedures, paper and the like were written in appropriate representation on the basis of it, if he/she intends to dispel the suspicion related to the allegation and the like 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. Regardless the provisions in paragraph 2, the investigation committee may treat the other research works 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 misconduct or not)

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

- 2 The respondent shall be certified as misconduct if he/she could not dispel the suspicion of misconduct 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 Director.

- i Misconduct has been committed or not
  - ii If it is certified that misconduct has been committed, the content, the individuals involved in the misconduct and the degree of involvement, the roles of each individual in the paper and the research activities related to the research activities which were certified as misconduct.
  - iii If it was certified that misconduct 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. Director shall notify the accusers and respondents (including the individuals other the respondent who were certified the involvement in the misconduct) if he/she received the report of paragraph1 promptly.
  4. If the research related to the case is the research related to the funding organisations, the director shall report the research result to the funding organisations, etc. Moreover, even during the investigation process, if any of the fraud facts are confirmed, it shall be promptly recognized and reported to the funding organizations.
  5. If the research related to the case is related to the funding organisations, the director shall submit the progress report and the interim report of the investigation by responding to the requests from the funding organisation, in addition to the preceding paragraph, even before the completion of the investigation. In addition, it shall correspond to the requests by the funding 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 the Director with reasons within 10 days from the date when he/she received the notification and the result of the investigation notified the Director was disclosed by the Director if he/she is dissatisfied with the decision regarding the investigation notified by the Director 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 the Director 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. The Director notifies the accuser of the appeal in paragraph 1 when he/she received it.
4. The Director notifies the respondent of the appeal in paragraph 2 when he/she received it.
5. When the Director gets the appeal in paragraph 1 and paragraph 2, the Director reports to the funding organisations, if the research of the case was carried out with reception of the funds from the organisations as well.

(Examination of appeal etc.)

Article 20 The Director makes the investigation committee which performed the investigation to examine the appeal upon receiving an appeal in paragraph 1 or paragraph 2 of the preceding Article. However, if the effect of the appeal is related to constitution of the investigation committee etc., and its fairness, the Director 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 Director.
3. The Director 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 the Director within 50 days from the date when it received the appeal (30 days if the appeal is in the case under paragraph 2 of the preceding article).
5. The provisions of each paragraph of Article 18 shall apply mutatis mutandis to the notice and report of the re-examination result set forth in the preceding paragraph.
6. If the director decides to dismiss the appeal or to start a review, if the research is related to the funding organizations, the director shall also notify the funding organizations.

(Announcement of investigation results etc.)

Article 21 When Director 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.

- i Affiliations and name of the individuals involved in the misconduct
  - ii Content of the misconduct
  - iii Content of the measures have been taken until the announcement by supervising officer or Director
  - iv Affiliations and name of the investigation committee member
  - v Means and procedures of investigation etc.
  - vi Others, the facts recognised as necessary
2. Director, 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, and there are errors in papers without deliberate intention. Contents to be announced in this case are that no misconduct was committed (if there are errors not due to deliberate intention, including that), the affiliation and name of the respondent, affiliation and name of the investigation committee members, the method and procedures of investigation, etc.

3. Director 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, Director shall take the following measures and sanctions against the individuals who has received the certification of misconduct in research activities (hereinafter referred to as 'a certified person') and his/her managing supervisor, in addition to the announcement of the Article 21:

- i Sanction based on the provisions of the foundation against an individual who committed misconduct is applied
- ii Recommendation of withdrawal of the paper etc. which are certified as misconduct.
- iii For a certified person, prohibition of the use of research expenses other than maintenance of the research equipments etc. from the date instructed by Director until the ban is cancelled.
- iv It is possible to have a certified person repay either in full or a part of the research expenses which already has been used (including indirect expenses or administrative expenses) .The amount of refund will be determined in consideration of the wrongfulness of the misconduct and the influence on the whole research plan.
- v Prohibition of research for a certified person from the date instructed by Director until it is released.
- vi For a certified person, Director 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.
- vii When management responsibility is recognised in the managing supervisor of the certified person, as well as the previous issue, Director shall take disciplinary action on the basis of the rules of employment Article 44.

(Handling measures if misconduct in research activities was not certified)

Article 23 When the report of the investigation committee in Article 18 or Article 20 Paragraph 4 admitted there was no fact of the misconduct in research activities of the research by the respondent, Director 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.

- i Release of the measures and sanctions applied when the suspicion related to misconduct on research activities arose
- ii Notification to every individual relevant to the investigation that the respondent's publicised paper and the like are reasonable
- iii Implementation of disadvantage prevention measures and measures for restoration of honours for the respondent (including announcement if necessary)
- iv Implementation of support including mental aspect for the respondent
- v 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 misconduct in research activities. 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 misconduct in research activities 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.

The officers, auditors, and the staffs under the employment regulation Article 2 and the staffs under the Article 3 Paragraph 1 of the foundation must co-operate the investigation of misuse of public research expenses.

(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 Handling Guidelines for Preventing Misconduct etc. of Public Research Funds (Decided by Minister of Education, Culture, Sports, Science and Technology on August 26 2014)'

Supplementary provision

This outline is enforced from November1, 2013.

Supplementary provision

This revised outline is enforced from August 1, 2014.

Supplementary provision

This revised outline is enforced from April 1, 2016.

Supplementary provision

This revised outline is enforced from April 1, 2017.

Supplementary provision

This revised outline is enforced from December 1, 2018.

Supplementary provision

This revised outline is enforced from March 1, 2019.

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

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