

## Management Rules for Conflict of Interest (COI) at National University Corporation Tohoku University

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## Management Rules for Conflict of Interest (COI) at National University Corporation Tohoku University

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### Chapter I General Provisions

(Purpose)

Article 1 Pursuant to the Tohoku University COI Management Policy (approved by the Board of Directors on March 3, 2005), by prescribing the items required for appropriate management of COI at National University Corporation Tohoku University (hereinafter referred to as the "University") to conduct cooperative activities between industry, academia and government, these Rules are intended to promote the social contributions of the University.

(Definition)

Article 2 (1) In these Rules, "Board members and Employees" refer to the board members and employees of the University.

(2) In these Rules, "organization" refers to the University and the Graduate Schools, etc. specified in Articles 15 through 30 of the Regulations on Management of Organization at National University Corporation Tohoku University (Rule No. 1 of 2004).

(3) "COI Management as an individual" refers to appropriate management for ensuring that the personal interests of the Board members and Employees of the University which were gained through their activities and achievements do not compromise their obligations as Board members and Employees or the public interest when they conduct social contribution activities.

(4) "COI Management as an organization" refers to appropriate management for ensuring that the economic interests of the organizations of the University which were gained through their activities and achievements do not compromise their obligations to the organizations or the public interest when they conduct social contribution activities.

(Object of COI Management as an Individual)

Article 3 COI Management as an individual shall be implemented when the Board members and Employees conduct the following activities:

(i) When conducting social contribution activities with companies and other organizations (hereinafter referred to as "Companies, etc.");

(ii) When acquiring money or shares, etc. exceeding a specific amount or convenience from Companies, etc.;

(iii) When purchasing goods, services, etc. exceeding a specific amount from Companies, etc.;

(iv) When having students, etc. of the University involved in social contribution activities;

(v) When conducting activities that are recognized by the COI Management Committee prescribed in Article 8 as the object of COI Management as an individual.

(Object of COI Management as an Organization)

Article 4 COI Management as an organization shall be implemented in the following cases:

(i) When the organization conducts one of the following activities

a. When conducting social contribution activities with Companies, etc.;

b. When acquiring money or shares, etc. exceeding a specific amount or convenience from Companies, etc.;

c. When purchasing goods, services, etc. exceeding a specific amount from Companies, etc.;

d. When having students, etc. of the University involved in social contribution activities;

e. When conducting a program of Supporting the Utilization of Specified Research Results prescribed in the Act on Strengthening Industrial Competitiveness (Act No. 98 of 2013);

f. When conducting activities that are recognized by the COI Management Committee prescribed in Article 8 as the object of COI Management as an organization

(ii) When a board member, Executive Vice President, Vice President, or other separately specified person conducts one of the following activities

a. When acquiring money or shares, etc. exceeding a specific amount or convenience from Companies, etc.;

b. When conducting activities that are recognized by the COI Management Committee prescribed in Article 8 as the object of COI Management as an organization

## Chapter II COI Management Promotional System

(General Director of COI Management)

Article 5 (1) The University shall assign a General Director of COI Management (hereinafter referred to as the "General Director") to supervise clerical work concerning COI Management as an individual and COI Management as an organization (hereinafter collectively referred to as "COI Management") at the University.

(2) The Executive Vice President or Vice President appointed by the President shall assume the position as the General Director.

(General Implementation Manager for COI Management)

Article 6 (1) The University shall assign a General Implementation Manager for COI Management (hereinafter referred to as the "Implementation Manager") to grasp clerical work concerning COI Management at the University as instructed by the General Director (excluding clerical work concerning life science and medical research with human subjects).

(2) An employee of the University appointed by the General Director shall assume the position as the Implementation Manager.

(COI Management Implementation Manager for Life Science and Medical Research with Human Subjects)

Article 7 (1) The University shall assign a COI Management Implementation Manager for life science and medical research with human subjects (hereinafter referred to as the "Implementation Manager for Life Science and Medical Research with Human Subjects") to grasp clerical work concerning COI Management for life science and medical research with human subjects at the University as instructed by the General Director.

(2) A full-time professor of the University appointed by the General Director shall assume the position as the Implementation Manager for Life Science and Medical Research with Human Subjects.

## Chapter III COI Management Committee

(Establishment of the COI Management Committee)

Article 8 The University shall establish the COI Management Committee (hereinafter referred to as the "Management Committee") at the University.

(Areas of Responsibilities)

Article 9 The Management Committee shall be responsible for the following items regarding the appropriate management of COI concerning the Board members and Employees, as well as organizations.

(i) Items concerning discussions about the establishment, revision or abolition of rules, etc. concerning COI Management;

(ii) Items concerning the development of measures to suppress adverse effects by COI;

(iii) Items concerning examination and request for COI avoidance measures, etc.;

(iv) Items related to investigations for COI Management;

- (v) Items related to implementation of education and training concerning COI Management;
- (vi) Items concerning the handling of COI alleged by external sources;
- (vii) Other important matters concerning COI Management at the University.

(Organizations)

Article 10 The Management Committee shall consist of the Chairperson and committee members as follows:

- (i) Persons appointed by the Chairperson from among the Department Heads or Deputy Department Heads;
- (ii) The Implementation Manager and the Implementation Manager for Life Science and Medical Research with Human Subjects;
- (iii) Persons who have expertise, advanced experience in practice, or academic background about COI, other than the Board members and Employees of the University;
- (iv) Persons who are deemed essential by the Management Committee.

(Chairperson)

Article 11 (1) The General Director shall assume the position as the Chairperson of the Management Committee.

(2) The Chairperson shall preside over the affairs of the Management Committee.

(Appointment)

Article 12 The President shall appoint the committee members prescribed in items (i), (iii) and (iv) of Article 10.

(Term of Office)

Article 13 (1) The term of office of the committee members prescribed in items (i), (iii) and (iv) of Article 10 shall be two years. However, a committee member who is appointed to serve as a substitute shall remain in office for the remaining term of the predecessor.

(2) The committee member prescribed in the preceding paragraph may be reappointed.

(Convening)

Article 14 The Management Committee shall, in principle, convene periodic meetings once a month. However, such meetings may be temporarily convened in cases where the Management Committee deems it necessary.

(Proceedings)

Article 15 (1) The Management Committee may not begin the proceedings unless a majority of the committee members is present.

(2) Proceedings of the Management Committee shall be decided by a majority vote of the committee members in attendance. In case of a tie, the Chairperson shall decide the matter.

(Life Science and Medical Research with Human Subjects Working Group)

Article 16 (1) The Life Science and Medical Research with Human Subjects Working Group (hereinafter referred to as the "Working Group") assuming matters concerning life science and medical research with human subjects shall be established under the Management Committee.

(2) The Working Group shall consist of the following members:

- (i) One professor each from the Graduate School of Medicine, Graduate School of Dentistry, Graduate School of Pharmaceutical Sciences, Graduate School of Engineering, and Institute of Development, Aging and Cancer or Tohoku University Hospital;

- (ii) The Implementation Manager for Life Science and Medical Research with Human Subjects;
  - (iii) Persons who are deemed necessary by the Working Group.
  - (3) The Chairperson of the Management Committee shall appoint a Chairperson from among the members of the Working Group.
  - (4) The Chairperson of the Working Group shall administer the affairs in the Working Group.
  - (5) The President shall appoint members of the Working Group.
  - (6) The term of office of the Working Group members shall be two years. However, a member who is appointed to serve as a substitute shall remain in office for the remaining term of the predecessor.
  - (7) The members prescribed in the preceding paragraph may be reappointed.
  - (8) The Working Group shall begin the proceedings when a majority of the members is present, and the proceedings shall be decided by unanimity.
- (Delegation of Voting Rights)
- Article 17 In accordance with the provisions stipulated thereof, the Management Committee may adopt a resolution of the Working Group as its own resolution.

#### Chapter IV Committee for COI Appeals

##### (Establishment of the Committee for COI Appeals)

Article 18 The University shall establish the Committee for Conflict of Interest Appeals (hereinafter referred to as the "Committee for COI Appeals") for the examination of appeals from the Board members and Employees who receive notification about a request for COI avoidance measures, etc. from the Management Committee as prescribed in Article 33 (1).

##### (Organizations)

Article 19 The Committee for COI Appeals shall consist of the Chairperson and committee members as follows:

- (i) Persons appointed by the Chairperson from among the Department Heads (excluding those who are members of the Management Committee);
- (ii) Persons who are deemed necessary by the Committee for COI Appeals.

##### (Chairperson)

Article 20 (1) The Executive Vice President or Vice President appointed by the President shall assume the position as the Chairperson of the Committee for COI Appeals.

(2) The Chairperson shall preside over the affairs of the Committee for COI Appeals.

##### (Appointment)

Article 21 The President shall appoint the committee members as prescribed in each provision of Article 19.

##### (Term of Office)

Article 22 (1) The term of office of the committee members prescribed in Article 19 (ii) shall be two years. However, a committee member who is appointed to serve as a substitute shall remain in office for the remaining term of the predecessor.

(2) The committee member prescribed in the preceding paragraph may be reappointed.

##### (Proceedings)

Article 23 The provisions of Article 15 shall apply mutatis mutandis to the proceedings of the Committee for COI Appeals.

(General Affairs)

Article 24 General affairs of the Committee for COI Appeals shall be handled by the Industry-University Cooperation Department.

#### Chapter V Advisory Board for COI

(Establishment of the Advisory Board for COI)

Article 25 The Advisory Board for COI (hereinafter referred to as the "Advisory Board") shall be established to provide advice, verification and evaluation of the contents of activities conducted by the Management Committee.

(Organizations)

Article 26 The Advisory Board shall consist of the following board members:

- (i) Persons who have expertise about COI and are attorneys or certified public accountants;
- (ii) Persons who have advanced experience in practice about COI;
- (iii) Persons who have academic background about COI.

(Chairperson)

Article 27 (1) The Chairperson of the Management Committee shall appoint the Chairperson of the Advisory Board from among the board members prescribed in each item of the preceding Article.

(2) The Chairperson shall administer the affairs of the Advisory Board.

(Appointment)

Article 28 The President shall appoint the board members prescribed in each provision of Article 26.

(Term of Office)

Article 29 (1) The term of office of the board members prescribed in each provision of Article 26 shall be two years. However, a board member who is appointed to serve as a substitute shall remain in office for the remaining term of the predecessor.

(2) The board member prescribed in the preceding paragraph may be reappointed.

#### Chapter VI COI Counselor and COI Management Advisor

(COI Counselor)

Article 30 (1) A COI Counselor (hereinafter referred to as the "Counselor") shall be appointed at the University to handle individual consultations by the Board members and Employees about COI.

(2) The President shall appoint the Counselor from among those who have expertise about COI.

(3) The term of office of the Counselor shall be two years. However, a Counselor who is appointed to serve as a substitute shall remain in office for the remaining term of the predecessor.

(4) The Counselor may be reappointed.

(COI Management Advisor)

Article 31 (1) A COI Management Advisor (hereinafter referred to as the "Advisor") shall be appointed at the University to respond to inquiries from the Management Committee.

(2) The President shall appoint the Advisor from among those who have expertise about COI.

(3) The term of office of the Advisor shall be two years. However, an Advisor who is appointed to serve as a substitute shall remain in office for the remaining term of the predecessor.

(4) The Advisor may be reappointed.

## Chapter VII Implementation Method for COI Management

### Section 1 Implementation Method for COI Management as an Individual (Disclosure)

Article 32 The Board members and Employees who have separately been specified shall disclose their COI status during the specified period and prior to the COI events prescribed in Article 3.

(Examination, request for COI avoidance measures, etc.)

Article 33 (1) After an examination of COI based on the disclosure prescribed in the preceding Article, the Management Committee shall notify the Board members and Employees who made such disclosure of its approval or request for COI avoidance measures.

(2) Prior to the notification prescribed in the preceding paragraph, the Management Committee may conduct an investigation concerning the Board members and Employees who made disclosure, if it is deemed necessary to confirm the existence of COI.

(3) Other than that prescribed in the preceding paragraph, the Management Committee may conduct an investigation concerning the Board members and Employees who are notified about the request for COI avoidance measures as prescribed in paragraph (1), if it is deemed necessary to confirm the situation regarding the implementation of measures for avoidance.

(4) If the Board members and Employees receive notification about a request for COI avoidance measures based on the provision of paragraph (1), they shall, in principle, honor such request.

(Appeals)

Article 34 (1) In cases where the Board members and Employees are dissatisfied with the content of notification about a request for COI avoidance measures as prescribed in paragraph (1) of the preceding Article, they may file an appeal to the Committee for COI Appeals, regardless of the provision prescribed in paragraph (4) of the preceding Article.

(2) After an examination of the content of the appeal prescribed in the preceding paragraph, the Committee for COI Appeals shall notify the result thereof to the Board members and Employees concerned. The Committee for COI Appeals shall also notify the Management Committee when the appeal is regarded as being reasonable.

(3) If the Management Committee receives notification based on the provision of the preceding paragraph, it shall reexamine the issue and then notify the result thereof to the Board members and Employees who filed an appeal.

(4) If the Board members and Employees receive notification from the Committee for COI Appeals as prescribed in paragraph (2) or from the Management Committee as prescribed in the preceding paragraph, they shall observe the content of that notification.

(Handling of COI Alleged by External Sources)

Article 35 In cases where the Board members and Employees who made a disclosure as prescribed in Article 32 is alleged by external sources to have a COI, a press officer appointed by the President from among the General Director, Implementation Manager, Executive Vice President or Vice President (including the Implementation Manager for Life Science and Medical Research with Human Subjects where the alleged COI also concerns life science and medical research with human subjects) shall discuss measures to be taken with the President and the Head of the organization to which the relevant

Board members and Employees belong (or, in the case of allegation about the Board members, the President), and shall provide explanations in the name of the University.

## Section 2 Implementation Method for COI Management as an Organization

(Understanding the COI situations, etc.)

Article 36 (1) When requested by the Management Committee, the head of an organization must provide the information related to COI management as an organization specified in Article 4 (i) held by the said organization.

(2) The Management Committee shall be aware of the status of COI based on the information related to the COI Management as an organization specified in Article 4 (ii) obtained through disclosure prescribed in Article 32 and the information of the previous Paragraph, and properly manage such information.

(Disclosure)

Article 37 The head of an organization shall notify the Management Committee before its organization conducts one of the following activities:

(i) Concluding a contract on joint research, commissioned research, etc. that will receive research funds of a specific amount or more;

(ii) Purchasing goods, etc. of a specific amount or more

(iii) Setting up of a joint research program or a joint research division

(iv) Setting up of an endowed lecture or an endowed research division

(v) Implementation of a program of Supporting the Utilization of Specified Research Results prescribed in the Act on Strengthening Industrial Competitiveness

(vi) Other activities separately specified by the Management Committee

(Examination, avoidance, etc.)

Article 38 (1) After an examination of COI based on the disclosure prescribed in the preceding Article, the Management Committee shall notify the head of the organization who made such disclosure of its approval or request for avoidance.

(2) Prior to the notification prescribed in the preceding paragraph, the Management Committee may conduct an investigation concerning the said notification, if it is deemed necessary to confirm the existence of COI.

(3) When having notified the request for avoidance pursuant to the provision of paragraph (1), the Management Committee shall report to the President.

(4) Upon receiving notification of the request for avoidance of paragraph (1) or the report under the preceding paragraph, the President shall, if it is deemed necessary, avoid activity relevant to the said notification or instruct the head of the organization to avoid activity relevant to the said report.

(Handling of COI Alleged by External Sources)

Article 39 In cases where COI is alleged by external sources, the President shall appoint a press officer from among the General Director, Implementation Manager, Executive Vice President and Vice President to discuss measures to be taken and provide explanations required from the University in cooperation with the President and the Head of the relevant organization.

## Section 3 Education and Training



Article 40 The Management Committee shall provide necessary education and training for the Board members and Employees, in order to enhance their understanding of COI and recognition of COI Management.

#### Section 4 Individual Consultation

Article 41 (1) The Board members and Employees may consult individually with the Counselor concerning COI.

(2) When having consultation mentioned in the preceding paragraph, the Board members and Employees shall obtain the permission of the Implementation Manager.

#### Section 5 Verification and Evaluation

Article 42 The Advisory Board shall verify and evaluate the content of activities conducted by the Management Committee.

#### Section 6 Confidentiality

Article 43 All persons who hold jobs concerning COI Management at the University shall not leak or provide any secrets or other information to third parties which they may have obtained through their jobs. This provision shall also apply after changes in their job assignment.

### Chapter VIII Miscellaneous Provisions

#### (Clerical Work)

Article 44 Clerical work concerning COI Management shall observe the Rules for the Administrative Bureau at National University Corporation Tohoku University (Rule No. 151 of 2004).

#### (Miscellaneous Provisions)

Article 45 In addition to these Rules, the required items concerning COI Management shall be separately prescribed.

#### Supplementary provision

These Rules shall come into effect on April 1, 2009.

Supplementary provision (Revised Rule No. 42 of March 26, 2013)

These Rules shall come into effect on April 1, 2009.

Supplementary provision (Revised Rule No. 78 of April 23, 2013)

These Rules shall come into effect on April 23, 2013. The provisions of Article 23 after revision shall be applied from April 1, 2013.

Supplementary provision (Revised Rule No. 8 of February 2, 2016)

These Rules shall come into effect on February 2, 2016. The provisions of Article 5 (1), Article 6, Article 9 (1) (ii), Article 15 (1) and (2) (ii), and Article 34 after revision shall be applied from August 26, 2015.

Supplementary provision (Revised Rule No. 111 of June 29, 2017)

These Rules shall come into effect on October 1, 2017.

Supplementary provision (Revised Rule No. 40 of March 30, 2021)

These Rules shall come into effect on April 1, 2021.

Supplementary provision (Revised Rule No. 66 of April 27, 2021)

These Rules shall come into effect on April 27, 2021. The provisions of Article 24 after revision shall be applied from April 1, 2021.

Supplementary provision (Revised Rule No. 77 of June 29, 2021)

1. These Rules shall come into effect on June 30, 2021.

2. In enforcing these Rules, those who are members of the Working Group specified in Articles 16 (2) (i) through 16 (2) (iii) prior to the revision (hereinafter referred to as the “Pre-revision Members”) shall be deemed to be appointed as the members specified in the revised Articles 16 (2) (i) through 16 (2) (iii), and their terms of office shall be the same period of the remaining term of the Pre-revision Members, regardless of the provision of the main text of Article 16 (6).

Supplementary Provisions (Revised Rule No. 30 of March 28, 2023)

These Rules shall come into effect on April 1, 2023.