

On Making Public the Statement

Following the release of the complaint, I am making my statement public, hoping it will contribute to future public lawsuits in Japan. For an overview of the case and the administrative lawsuit, please visit

[https://kiyotaka.sakura.ne.jp/Nakashima Notice 20230928 2ndRev1005.pdf](https://kiyotaka.sakura.ne.jp/Nakashima%20Notice%2020230928%202ndRev1005.pdf).

I also would like to inform you of the following effort regarding public lawsuits in Japan:

<https://www.call4.jp/>.

The current situation of public lawsuits in Japanese society is very taxing for plaintiffs. I sincerely hope my administrative lawsuit will contribute to public lawsuits and related activities in Japan.

February 9, 2024
(1st rev. on Feb. 25, 2024)
Kiyotaka Nakashima

PREFACE

This document is the statement prepared for the witness examination held on June 1, 2023. Whereas the complaint addresses a somewhat legally specialized discussion, the statement aims to strengthen the judges' determination by touching on the background of this incident. In particular, it devotes much space to my situation and state of mind during the investigation by Konan University.

However, even if I am going to describe my situation and state of mind during the investigation, the statement is no different than "documentary evidence." Hence, if I had devoted space to issues not directly related to my claim as the plaintiff, the judges would not have considered them, no matter how important they would be privately or publicly. Therefore, as in the complaint, I have added endnotes to this document to make the case "more clearly" comprehensible.

As mentioned in the preface of the complaint, my feelings when preparing it and filing this lawsuit in April 2021 consisted of "fear" of the enormous administrative powers and "anger" at the government's legally sloppy management of them. In contrast, about two years later, what occupied my mind when I was preparing the statement was **"deep sadness"** beyond "anger" toward the University's officials, who were spouting **"comfortable words without any substance nor soul"** to the public, albeit **being unthinkingly following the legally sloppy management**. More concretely, as the lawsuit progressed and I saw the big picture of this incident, I felt "deep sadness" as I wondered, **"Did no one think that there was anything wrong"** with the university's and the government's disciplinary punishment of me, let alone the government's investigation system?" or **"why something so far from the truth, or destroying and disregarding the existence, could happen in academia**, which must

pursue the truth."

At the same time, I have suffered from sudden **flashbacks** through the litigation. To pursue the lawsuit, it was necessary to accurately recall memories regarding the University's mentally tough inquiries, the sudden dismissal, and the unexpected notice of the administrative disposition. During the nearly two years of such recalling, I began to experience palpitations, profuse sweating, and vertigo, as if I was being inquired or receiving the dismissal notice "out of the blue, right in front of my eyes." When I was preparing this statement for the witness examination, these symptoms were at their worst and most frequent.

Thus, my physical and mental condition greatly varied depending on the day I prepared this statement. Nevertheless, while the storyline tended to diverge due to my unfavorable condition, I could complete the statement as satisfactory documentary evidence, mainly thanks to my lawyers' collaborative efforts to organize it. Accordingly, I feel attached to this statement.

In addition, the fact that this statement's endnotes are more extended than the complaint's would be attributed to my abovementioned physical and mental condition when preparing the statement. Indeed, when writing the endnotes, I often had difficulty calming down my emotions.

One of the endnotes I wrote with such difficulties mentions **a student of Konan University who committed suicide in 2018 due to a false rumor of private misappropriation and subsequent sloppy responses by the University**. I know well that this student's case is not directly related to this administrative lawsuit; however, from its chronological order, it is pretty natural to infer that it significantly impacted the University's investigation results

and disciplinary action against me, with Chairman Yoshiyuki Nagasaka and President Itsuko Nakai being the responsible parties of both my and the student's cases.

Regarding the issues of the University's "governance" and "legal compliance" related to my case and the student's case, I have no choice but to leave them to the government coordinating among the MEXT and other relevant ministries—or to the will of the citizens. At the very least, I do not have enough energy to file a new lawsuit against the University for several legal problems coming to my mind. And even if I did, I could not file such a lawsuit because I would bring back my good memories with my former colleagues and students.

However, the establishment of a third-party committee for investigation, which the bereaved family of the victimized student has deeply desired, and the accountability of the two cases to the public involve the issue of **"ethicity"** that encompasses the issues of "governance" and "legal compliance" and are related to the **"unwritten law" within a community** that Friedrich Hayek emphasized. As I discuss in the endnotes, it is not the person's position or the society's history itself that makes one's acts meaningful. The person's deeds "give some meaning" to his/her position and the society's history. What meaning will be linked within the University regarding the student's suicide—by extension, what meaning will be linked within Japanese society regarding young people's suicides, and **whether or not the suicides will fall to a meaningless and nihilistic action**—will depend on "your responsible deeds, not involving the easy way," the Chairman and the President.

January 21, 2024

Kiyotaka Nakashima

Case No. 35 of 2021 for Revocation of Decision

Plaintiff: Kiyotaka Nakashima

Defendant: Japan Society for the Promotion of Science (JSPS)

Defendant's Supporting Intervenor: Konan University

Offer of Evidence

April 14, 2023,

Osaka District Court, 7th Civil Division

Attorney-at-Law for Plaintiff: Shinro Okawa

Shigeyuki Shigematsu

Tetsuyuki Yanagimoto

We offer the following evidence concerning this case:

I. Witness Examination of the Plaintiff

1. Plaintiff

Kiyotaka Nakashima (to accompany the plaintiff, scheduled time for examination: 30 minutes)

2. Purpose of Proof

Plaintiff's Alleged Facts

3. Matters for Witness Examination

As described in the attached written statement of matters for witness examination

Matters for Witness Examination

- I. Plaintiff's Work History and Research Theme
- II. Application for and Receipt of Research Funds
- III. Background of the Duplicate Submission and Plaintiff's Recognition
- IV. The Disadvantages the Plaintiff Faces due to This Disposition
- V. All Other Related Matters

Written Statement

April 14, 2023,

Name: Kiyotaka Nakashima

Address: Seal

I. Work History

1. My work history is as follows:

Academic Positions:

- April 2003-March 2007 Full-time Lecturer, Faculty of Economics, Kyoto Gakuen University
- April 2007-March 2008 Associate Professor, Faculty of Economics, Kyoto Gakuen University
- April 2008-March 2014 Associate Professor, Faculty of Economics, Konan University
- April 2014-August 2020 Professor, Faculty of Economics, Konan University

Research Appointments:

- April 2004-March 2006 Research Fellow, Economic and Social Research Institute, Cabinet Office, Government of Japan,
- July 2012-October 2013 Visiting Scholar, University of California, San Diego
- September 2018-February 2019 Visiting Scholar, Institute for Monetary and Economic Studies, Bank of Japan
- March 2019-September 2019 Visiting Fellow, Center on Japanese Economy and Business, Columbia University

2. As described above, I worked for many years as a researcher and faculty member in the Department of Economics. My research area of expertise is applied econometrics. Based on data, I have researched and published several papers focusing on Japanese economic issues, such as Japanese monetary policy, banks' lending behavior, physical and R&D investment behavior by Japanese firms, and the collectivist behavior of the Japanese people.

From 2008 to 2020, I belonged to Konan University for over ten years. Thus, I developed a strong feeling of attachment and belonging to Konan University through my long association with faculty members, staff, and students and my participation in academic conferences, such as the Inter seminar organized by the Konan University Economic Association, together with students. When the problem of the duplicate submission responsible for this administrative disposition appeared in 2019, Konan University was an irreplaceable and precious school and workplace for me, so much so that I could call it "my whereabouts."

II. Regarding the Application and Receipt of Research Funds

1. Outline of Research Funds

(1) During my time at Konan University, I received three types of research funds: the Scientific Research Assistance Fund (Assistance Fund), the Faculty Research Fund (KYOKENHI), and the Institution Research Fund (SOKENHI). I applied for and received the three research funds through Konan University, albeit the Japan Society for the Promotion of Science (JSPS) granted the Assistance Fund, whereas Konan University granted KYOKENHI and SOKENHI.

(2) Although varied from year to year, the annual grant amount from the Assistance Fund,

including direct and indirect expenses, was approximately 1 to 1.5 million yen, the SOKENHI was about 1 to 2 million yen, and the KYOKENHI was 300,000 yen per year. Researchers at Konan University, including myself, applied in advance for grants from the Assistance Fund and the SOKENHI, and they received the amount determined after a screening process based on application documents such as the research plan.

2. Submission of Documentary Evidence (Receipt)

(1) Regarding the KYOKENHI and SOKENHI expenditures, Konan University required researchers to submit documentary evidence (e.g., receipts) for research expenses at once by February of each fiscal year.

As for the Assistance Fund, the University instructed researchers to submit documentary evidence as soon as possible after making research expenses; I accordingly submitted it to the University each time I made a research expense. Regarding grants from the Assistance Fund, university staff often pointed out to me that there was a remaining balance, but not at all regarding grants from the SOKENHI.

(2) **Around 2014**, I had difficulty preparing documentary evidence for research expenses by spending a grant from the Assistance Fund. I communicated with university staff and offered to return the remaining grant; however, he/she was reluctant to do so. Accordingly, **I understood that the University did not want to go through the process of giving back the Assistance Fund.**

(3) Due to my busy schedule since 2015, I could not organize submitted and unsubmitted documentary evidence (e.g., receipts). Thus, without sufficiently scrutinizing whether I had

already submitted or not, in February, I erroneously turned in documentary evidence (e.g., receipts) already handed in as the evidence of expenses from the Assistance Fund as the evidence from the KYOKENHI and SOKENHI or I erroneously submitted documentary evidence already turned in as the evidence of expenses from the KYOKENHI and SOKENHI in February as the evidence from the Assistance Fund.

3. There is No Fact of Private Misappropriation at All

(1) This administrative disposition rests on the premise that there was private misappropriation concerning my duplicate submissions, but there is no such fact.

This is because the savings account in my name, where the research funds were deposited, always maintained a balance of [REDACTED] yen, which strongly indicates that the research funds were only pooled (stored) as they were and could not be used for my living expenses.

I was financially comfortable and had no need or motive to use the research funds for my living or other personal expenses. In this case, the amount of money certified as private misappropriation is 6,732 yen. It is highly improbable that I intentionally conducted a duplicate submission, thereby obtaining such a small amount of money.

(2) Additionally, I covered many privately funded expenses for research purposes and did not claim them as research expenses; even limited to 2018 to 2020, such spending exceeded 1.4 million Japanese yen (plaintiff's exhibit 4; hereafter referred to as "Ptf. Ex. 4"). Furthermore, although not submitted as documentary evidence in this lawsuit, there are also travel expenses for research—about 4.5 million yen—to stay in Tokyo and New York

for research purposes from 2018 to 2019.

Even if you were to assume that I preferentially would spend the amount of money certified as duplicate submissions from my savings account with a balance of [REDACTED] yen, **private misappropriation should not be possible as long as my privately funded research expenses (about 6 million yen) far exceed the research expenses certified as duplicate submissions (about one million yen).**

4. Summary

As described above, I admit that my lack of organization of documentary evidence (e.g., receipts) and my lack of carefulness caused the problem of duplicate submissions. Still, I neither conducted the duplicate submissions intentionally nor diverted the research funds paid through the duplicate submissions for my profits.

III. Background behind the Administrative Disposition

1. The Appearance of Duplicate Submissions and Call-in

(1) I was on sabbatical starting September 2018. From that month to February 2019, I stayed in Tokyo as a visiting scholar at the Institute of Monetary and Economic Studies of the Bank of Japan. From March of the same year, I stayed in New York City, USA, to conduct research activities as a visiting scholar at Columbia University.

(2) I stayed in Canada from June 26, 2019, to present my research paper at an international conference held in Canada. Then, on June 28 of the same month, I received an e-mail from the Dean of the Faculty of Economics Okada requesting me to return to Japan because of

the appearance of duplicate submissions to grants from KYOKENHI for FY 2018 and the Assistance Fund. I replied that I would return to Japan as soon as possible after the international conference in Canada was over, and then I returned to New York.

At the same time, my mother, who had colorectal cancer and was undergoing anti-cancer drug treatment, was not doing well. My father told me that her doctor had diagnosed that she would be able to keep her cancer until the spring of next year. I returned to Japan thinking—not to mention I would cooperate with Konan University's Investigation of the duplicate submissions—I could take care of and attend to my mother.

(3) I returned to Japan on July 6, 2019, and interviewed with Dean Okada on July 8. At this interview, Dean Okada cautioned me about my duplicate submissions for FY 2018 and requested that I write and submit a letter of apology. Accordingly, I prepared and turned in Exhibition 3 of the defendant's supporting intervenor, Konan University (hereafter referred to as "Itv. Ex. 3"). As described in this document, all of the duplicate submissions in this case "were erroneously submitted in duplicate because I failed to check whether I had already submitted them." Nevertheless, I thought there was no doubt that it was my negligence; therefore, I deeply felt sorry for Konan University and strongly felt I would never make the same problem if I erroneously had conducted the duplicate submissions, as pointed out by Dean Okada.

(4) On the following day, the 9th, I met with President Nagasaka in the presence of Dean Okada. President Nagasaka warned me not to cause the same problem in the future. On the 11th, we received a call from President Nagasaka and Chairman Yoshizawa; in the meeting,

they also pointed out that there had been duplicate submissions before FY 2017. As described above, if there was a duplicate submission, it was due to my lack of organization of documentary evidence, such as receipts, and my lack of attention. In any case, I remember apologizing quickly to the President and the Chairman at the meeting because I felt sorry for my errors.

(5) During this temporary return, I also visited my parents in Osaka to care for my mother. She was fighting cancer, but her condition was not good; my father told me she did not have long to live. While handling the hearing investigation for the duplicate submissions, I also cared for my mother in her sickbed. On July 13, my father's sister (my aunt), who lives in Fukuoka Prefecture, came to Osaka to care for my mother. She told me that she would stay in Osaka for a while and that I should concentrate on my research. I was scheduled to present my research paper at an international conference on monetary policy organized by Columbia University and the Federal Reserve Bank of New York from July 18 to 20. Thus, I returned to New York, grateful to my aunt but deeply concerned about my mother's condition.

2. The End of Sabbatical and Start of Full-Scale Inquiry

(1) My return home after my sabbatical was initially scheduled for September 30, 2019. However, my father informed me that my mother's condition was deteriorating rapidly, so I rescheduled my return on September 18 of the same year. On September 26, I met Vice President Nakai and others just after returning. Again, I explained that the duplicate submissions were due to disorganization and insufficient attention to documentary evidence

(Itv. Ex. 2, p.2).

I also met with Chairman Yoshizawa and President Nagasaka on the 30th of the same month. They asked me to withdraw participation as a discussant at the Japan Society of Monetary Economics Fall Conference. I mentioned that I wanted to participate because the presenter had previously been willing to become a discussant for my research paper despite being busy. President Nagasaka said indignantly and loudly, "If you participate, it will be the end of you!!." Consequently, I had no choice but to comply with their instructions.

(2) On October 1, 2019, in response to a request from Konan University, I submitted a document titled "Regarding the Duplicate Submissions" (Itv. Ex. 6). On October 3, 2019, I submitted a draft of the "Letter of Reflection." I revised the "Letter of Reflection" and then turned in the final version on the 29th of the same month (Itv. Ex. 7).

These documents express my recognitions and feelings at the time, and the facts themselves in the documents are not false. However, there are some misleading expressions, so I would like to add the following explanations.

(a) Background

First, I want you to understand that I am a Protestant Christian. After the duplicate submissions appeared, I often compared my faults with the descriptions in the Bible, which I read daily. Specifically, I paid intense attention to the following passages in the Bible.

The Sins of Mankind

"**18** For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men, who hold the truth in;....**29** Being filled with all unrighteousness, fornication,

wickedness, covetousness, maliciousness; full of envy, murder, debate, deceit, malignity; whisperers,

30 Backbiters, haters of God, spiteful, proud, boasters, inventors of evil things, disobedient to parents, **31** Without understanding, covenantbreakers, without natural affection, implacable, unmerciful:

32 Who knowing the judgment of God, that they which commit such things are worthy of death, not only do the same, but have pleasure in them that do them."

(Romans 1:18, 29-32, New Testament)

Concerning the duplicate submissions, I felt that my fault was what the Bible describes as "unrighteousness" and related to my "sins." In the process of deep self-reflection, I moved further and further away from my recognition at the time when I erroneously submitted documentary evidence in duplicate. Also, I retrospectively and ex-post interpreted the erroneously duplicate submissions in terms of "unrighteousness" and "sin" when preparing the two documents (Itv. Ex. 6 and 7).

As described above, after the duplicate applications appeared, I had numerous opportunities to receive calls and reprimands from the University's President and others. Accordingly, **I deeply felt sorry that I had caused trouble for the University, and then thought I was in such a hurry to resolve the problem as soon as possible by showing my remorse. Furthermore, I accumulated mental exhaustion as my mother's condition worsened day by day while continuing to respond sincerely to all the mentally tough inquiries by the University.**

Thus, I think now that some of the expressions in the documents titled "Regarding the Duplicate Submissions" (Itv. Ex. 6) and the "Letter of Reflection" (Itv. Ex. 7) were overly self-punitive and misleading.

(b) Regarding the expression "motive"

Although I used the expression "motive" concerning the duplicate submissions (Itv. Ex. 6 and 7, in both p.2 onward), this does not mean I planned to make the duplicate submissions intentionally. The "motive" here means the "reason" for **rushing to submit** documents (e.g., receipts) already submitted as evidence for the expenditure from the Assistance Fund as that from the KYOKENHI or the SOKENHI without sufficiently examining whether I had already submitted or not ("when research funds were left over at the end of the fiscal year, '**to rush to spend**' them"). Of course, "motive" must not indicate the "motive" for private misappropriation.

(c) Regarding the expression "distorted desire"

In reflecting on the duplicate submissions, I came to realize that what caused this situation was the fact that I "rushed to spend" the research funds at the end of the fiscal year; in other words, I failed to return the remaining research funds as the result of unintended duplicate submissions. Moreover, I came to believe that I could not give back the remaining research funds because—albeit I was busy indeed—I was too lazy to communicate with university staff and avoid procedures for return. I expressed this itself as a "distorted desire" based on the idea that such rushing-spending and laziness might have been due to my deep mindset of "**covetousness**," which is listed as one of the "Sins of Mankind" in the New Testament, cited earlier (Itv. Ex. 6 and 7, in both on p.2 and p.5). I never intended to say that

my covetousness drove me to obtain personal profit through the duplicate submissions.

(d) Regarding the expression "the way to keep the research funds on hand"

As for the expression "the way to keep the research funds on hand through the duplicate submissions when I could not fully use the University's research funds at the end of the fiscal year" (Itv. Ex. 6 and 7, in both on p.3), as well as the expression "distorted desire," it ("the way to keep the research funds on hand") means the ex-post result of the duplicate submissions. The expression never means I ex-ante planned to do so at the time of the duplicate submissions.

(e) Regarding the expression "sin of deception"

The expression "sin of deception" is almost the same as those of "distorted desire" and "the way to keep the research funds on hand." Regarding this expression, I had "deceit" in mind as one of the "sins of mankind" in the New Testament, which I quoted earlier. This expression is also ex-post and retrospective regarding the duplicate submissions; ex-ante, we were unaware that I conducted them at the time of each duplicate submission.

(f) Summary

As described above, the documents entitled "Regarding the Duplicate Submission" and the "Letter of Reflection" (Itv. Ex. 6 and 7) are not documents saying that I planned to make the duplicate submission intentionally, nor did I admit private misappropriation.

(3) On October 11, 2019, there was another hearing with President Nakai and others (Ptf. Ex. 17-1). At this hearing, I indeed acknowledged that the duplicate submissions were due to my lack of check and wariness. Still, as to whether I intentionally made such a duplicate submission, I denied it, saying, **"I did not intend to do it because it is not my intention**

to do so with the Grants-in-Aid for Scientific Research" (Itv. Ex. 16-1, p.5, line 3). Regarding my response, the head of the Audit Department, Mr. Ueda, who was also present at the hearing, stated, **"Since the Grants-in-Aid for Scientific Research can be carried over, you said 'I had no motive to do it intentionally, or it was unnecessary.'"** (Itv. Ex. 16-1, p.6, line 11); thus, I felt he agreed with me. **As for private appropriation, there was no question in the first place.**

3. Inquiry by the MEXT through the University and the Death of My Mother

(1) On November 15, 2019, after repeated interviews and hearings headed by the current President Nakai, I was summoned by President Nagasaka for a meeting. At this meeting, President Nagasaka told me that the President's secretary had reported the duplicate submissions to the Ministry of Education, Culture, Sports, Science and Technology (MEXT). According to President Nagasaka, **a MEXT officer had sharply reprimanded the secretary such that the officer rehashed a problem of 2017 in which Konan University failed to fulfill the MEXT's requirements to receive and use the public research funds;** additionally, the officer also had ordered a thorough investigation of all Konan University faculty members, not just me, for erroneous use of all research funds. President Nagasaka very seriously told me that **Konan University has no choice but to comply with this order because the University will undertake the certified evaluation and accreditation next year** and that such a situation is **"a crisis for the survival of Konan University."** From the President's talk, I found that my duplicate submissions, caused by my lack of check and attention, were entirely affecting the University. **I felt increasingly sorry for this, and**

thus, I hoped even more strongly that the problem would end in a way that would inconvenience the University as little as possible.

(2) My mother's condition worsened around the meeting with President Nagasaka. The cancer had spread throughout her body, including to her lungs, and she could no longer speak. My mother once wrote the word "**life**" in my notebook, and when I asked her, "**It means I must cherish life,**" she looked at me and nodded her head repeatedly, tears streaming down her face.

A few days later, on November 25, she passed away.

(3) After the new year, on February 10, 2020, I met with President Nagasaka and Dean Okada. There, President Nagasaka told me that "**it is not only a problem with Professor Nakashima, but the problem has not ended**" and that "**as a small university, our university is more vulnerable to negative influences than larger universities.** We want you to feel remorse for all university faculty members, officers, alumni, and students" and "After completing the ongoing investigation, we will take a specific disciplinary action, so we will not allow you to teach classes after April for the first semester of the 2020 academic year."

(4) As described above, throughout the investigation of the duplicate submissions, I continued to face not only mentally tough inquiries headed by Vice President Nakai but also interviews with the President and the Dean, their cautions, reprimands, and detailed explanations regarding the University's predicament. In such a situation, I also cared for my mother on her deathbed. **Therefore, by this time, my mental exhaustion had reached its peak.**

I always felt sorry for the trouble I was causing the University, which I considered my "home," and I hoped the problem would end soon throughout the investigation. However, I cannot betray my nature as a researcher to seek the truth, so I have not told any falsehoods about the facts throughout Konan University's investigation. Such a thought has stayed the same throughout this lawsuit, too.

4. Certification Notice of Investigation and Disciplinary Dismissal

(1) Hearing inquiries regarding the duplicate submissions continued intermittently until May 2020; meanwhile, **I also provided proof of my savings account balances in response to the University's request.** At the May 14, 2020 hearing inquiry (Ptf. Ex. 17-2), which should be said as the last inquiry, Konan University, Specifically President Nakai, again questioned me about the intentionality of the duplicate submissions; I still denied it, saying, **"It's just that the amount is so small that there is no meaning for me in doing it."** (Itv. Ex. 16-2, p.5, line 21). As for private misappropriation, I also denied it, saying, **"I did not divert the research funds for personal use."** (Itv. Ex. 16-1, p.14, line 11; Itv. Ex. 11, p.4; Itv. Ex. 9-4, p.1).

(2) On May 26, 2020, I received the University's certification notice of investigation (Ptf. Ex. 5). In this notice, Konan University certified private misappropriation, albeit I had consistently denied it in several hearing inquiries. **This certification by Konan University was substantially different from my recognition. Still, as I described above, at that time, I felt deeply sorry that I had caused inconvenience to the University through my carelessness. Moreover, I was mentally exhausted from, e.g., caring for my mother on her**

deathbed. Accordingly, I earnestly wanted to solve the problem immediately, so I never considered contesting the certificate. Of course, if I had known that, as in this case, I would be at a definite disadvantage, I would have contented the certificate; however, at that time, I did not think at all that the University's certification of private misappropriation would lead directly to the disposition of this case.

Looking back on it now, it may seem naive, but as long as I faithfully cooperated with the University's investigation and answered the truth in good faith, **I firmly believed that there was no way that a research institution or a university that "must seek the truth" would suggest a disposition that was "contrary to the fact."**

On June 26, 2020, there was a defense hearing, where I again stated, **"Actually, I am not in financial trouble to the extent that I am using this money to make a living, and I am not in a situation where I have to do such a thing. So, I can only say that I did not do any private misappropriation."** (Itv. Ex. 16-3, p.15, line 30 through p.16, line 3), thereby denying any private misappropriation of the research funds again.

(3) On August 20, 2020, Konan University dismissed me as a disciplinary action. In the University's notice of my dismissal (Ptf. Ex. 6), I found several points different from my recognition of that time. However, I thought the duplicate submissions were nothing but my fault. Moreover, through several meetings with the President and the Dean, I felt sorry that I had caused the University a great deal of inconvenience. Accordingly, **because Konan University did not raise private misappropriation as a reason for dismissal, I accepted the discharge without objection based on my warmest desire to prevent the problem from escalating further.** Also note that behind this background, as I described earlier, my

mental exhaustion was at its limit; hence, I could not afford to enter into contention with Konan University. I needed to rest.

I submitted my resignation notice on the 26th of the same month.

IV. The Disposition of This Case and Subsequent Events

1. On October 12, 2020, when I went to the University on an errand, I received notices for administrative dispositions or orders (Ptf. Ex. 7 to 9), including the disposition of this case.

Surprised at the heavy disposition of not being granted public research funds for ten years, I examined it with the help of my supporters. Thus, I found that **the administrative disposition of this case was likely based on the private misappropriation of public research funds, albeit Konan University did not raise as a reason for my dismissal.** As mentioned above, **I never diverted any money from research funds for personal use, nor did I admit to it throughout the investigation by Konan University.**

2. At the time of this disposition, I was 45 years old, had accumulated knowledge and experience for research, and was at the age when I could most vigorously pursue my studies and be most active as an economic researcher. However, in my research field (quantitative economic analysis using data), it is necessary to purchase datasets worth at least one million yen and, in some cases, several million yen. Due to this disposition, I have been forced to suspend all new research entirely. The adverse effect of being unable to purchase and use the latest data is evident in the fact that a research paper I had recently submitted got rejected due to incomplete data (Ptf. Ex. 18). All the suspended studies were collaborative studies I was conducting with other researchers; hence, the current situation has caused

them much inconvenience. If this situation lasts ten years, it will end my life as an empirical economic researcher.

Furthermore, my name is listed on the JSPS's website as a researcher who has committed private misappropriation. Such a listing on the website has substantially damaged my reputation as a researcher, and I am in extreme disgrace as an individual. I accordingly continue to feel intense mental agony now. In addition, my family, relatives, friends, and students are all deeply distressed by my tragic situation and are passing days without peace of mind.

3. As described above, there is no reason (private misappropriation) for this administrative disposition, and the disposition itself is substantially detrimental to me and all my relations. Thus, I had no choice but to file this lawsuit to revoke it.

V. Conclusion

1. The act of a person to in Japanese, "Rikaisuru," is written in English as "**understand**" or "**under-stand = stand under and by.**" In the New Testament, Jesus, the Son of God, practices washing the feet of those shunned and abandoned by society, thereby trying to understand people's fundamental weakness and suffering, being close to them by "standing under and by." From the Bible's stories like this, a theological view sees that the English word "understand" is used to express the idea that **if people genuinely wish to understand and solve problems that lie ahead of them in the process of seeking the truth, they must "stand under one another and stand by one another."** According to this view, **one cannot truly understand and solve problems by intending to "stand above others and**

to dominate others as he/she wishes."

2. I believe that each of the issues involved in this case I have discussed so far in this document and through this lawsuit is the same problem that all researchers in Japan are potentially facing, albeit to varying degrees. I have pursued this lawsuit for the past two years with the conviction that the issues of this lawsuit are urgent, particularly for Japanese researchers shunned and abandoned by research institutions and Japanese society for committing erroneous use of research funds.

3. My question is **whether the defendant or its supporting intervenor, throughout their inquiry thus far, have genuinely understood the backgrounds of each researcher's erroneous use and have sincerely tried to solve the problems in the true meaning of "understand = stand under and by one another."**

Even if the researchers were at fault,—in the face of the issue regarding the investigation content that appears as **factual errors** based on misdirection by the defendant and its supporting intervenor, the problem of the investigating system related to **the lack of definition and reason for erroneous use as well as private misappropriation**, and the issue related to the nature of research funds itself, such as **the way to manage and use research funds**,—I cannot believe that these issues should be allowed to remain unchecked as a researcher living in Japanese society.

This conviction is from my sense of urgency that if these issues are left unaddressed, researchers like myself will reappear in Japanese society, albeit in a different form.

4. Given the above, I ask the Court to find out the truth and render a fair judgment based on the principle of "understand = stand under and by one another."

EndNotes for Statement

Note 1: Konan University requested that I provide a certificate of savings account balance at the hearing inquiries in March 2020; I then offered it in April of the same year. At this time, I also held financial assets invested in securities almost equal to my savings account balance. Thus, I asked the University whether I also needed to provide a certificate of the invested assets. However, the University asked me to submit only my savings account balance certification.

Note 2: Therefore, I had spent **approximately 6 million yen of my own private money** for my research from FYs 2015 to 2019, when Konan University certified there was my erroneous use of research funds. I made the same point in **Note 1 at the endnotes of the complaint** (p. 17) and in **Note 1** of the following document (p. 7):

[https://kiyotaka.sakura.ne.jp/Nakashima Notice 20230928 2ndRev1005.pdf](https://kiyotaka.sakura.ne.jp/Nakashima%20Notice%2020230928%202ndRev1005.pdf).

Note 3: The Bank of Japan and Columbia University kindly offered me an excellent research environment. Hence, I could spend my time immersed in the research with my collaborators during my sabbatical. I want to express my gratitude to all the Bank of Japan and Columbia University people for providing me with such an excellent research environment; thank you very much. I will thank you again in person when I see you.

Note 4: I would like to elaborate on this point as it is one of the trauma triggers causing flashbacks I currently suffer from—mainly immediately after the court date.

On September 30, 2019, Chairman Hidenari Yoshizawa and President Yoshiaki Nagasaka suddenly contacted me to meet with them regarding my research presentation at the fall conference of the Japanese Economic Association scheduled for October 12 at Kobe University and attendance as a discussant at the fall conference of Japan Society of Monetary Economics planned for October 22 at Konan University.

At the meeting, President Nagasaka said, **"Your research presentation at Kobe University will be done outside Konan University. Hence, it is up to Mr. Nakashima whether or not you will present your research at the conference. However, I would like you not to attend the conference at Konan University as a discussant because I will give an address of welcome at the reception."**

In response to President Nagasaka's request, I said, "The coming discussion at Konan University is not only the issue that only I can well address in terms of the research theme, but it is also the request from a presenter who took time out of his busy schedule to discuss my research presentation in the past. After the discussion, I will only greet the presenter and go home immediately. In addition, I will not attend the reception. So, I ask your permission to attend as his discussant." As soon as I respectfully asked their permission, I received **a loud threat** from President Nagasaka, which echoed throughout the floor: "If you attend as a discussant, it will end you!"

After this loud threat, Chairman Yoshizawa proposed, "Why don't you have the chairperson read a script you will prepare for the discussion?" I could not reply to this suggestion

immediately. After worrying many times there, I strained my voice to convey my **painful decision** to Chairman Yoshizawa and President Nagasaka, saying, "I understand. My mother's condition is very severe, and for that reason, I will ask the chairperson to read my prepared script for the discussion."

Then, President Nagasaka said triumphantly, "The chairperson is from Kwansei Gakuin University, so it should be all right. My research boss at Kyoto University also had an incident but was revived within two years. This is a positive proposal to revitalize Mr. Nakashima. We will cooperate fully with you. Let's do our best together!" The meeting ended with Chairman Yoshizawa saying, "For now, I would like you to concentrate on your duties at the University, including your teaching." Immediately after the meeting with the Chairman and the President, I was so anxious that **I wondered whether the day to concentrate on my economic research would return.**

Regarding the above coercing by the Chairman and the President, note that Article 16-1 of the "Konan University Regulations on Reporting and Accusing of Improper Use of Research Funds (October 29, 2021)" states, "**No disadvantageous treatment shall be given to the said person simply because he/she has been reported or accused.**" According to this article, the University officials, including Chairman Yoshizawa, President Nagasaka (current Chairman) and Vice President Nakai (current President), would have violated the regulation—more specifically, their coercing would have **constituted power harassment**—since they used their powers, thereby improperly forbidding my teaching (see **Note 7** below) and improperly withdrawing me from attending as a discussant not only the above fall conference of Japan Society of Monetary Economics but also the subsequent

spring conference (see **Note 8** below for the spring conference).

Note 5: To my knowledge, **the fact that the MEXT pointed out that Konan University did not meet the conditions to receive and use public research funds was not shared within the University and was therefore covered up by the University executives, including the head of the responsible department, or Konan University Research Organization (FRONT), at that time.**

It is not difficult to consider that, together with the issue of the student's suicide described in **Note 6** below, this issue of Konan University's noncompliance in receiving and using public research funds would have had a significant impact on the investigation and disciplinary action taken against me by Chairman Nagasaka and President Nakai, who were responsible for these two issues.

Note 6: Later, after I filed the administrative lawsuit, my supporters informed me that on October 15, 2019, before the meeting with President Nagasaka on November 15, the bereaved family of a student—**who committed suicide due to being falsely rumored among neighboring universities such that the student committed private misappropriation of school festival proceeds and Konan University's sloppy handling of this case**—filed a request to the University for establishing a third-party committee. On November 15, the same day as the meeting with President Nagasaka, Konan University unjustly denied the request from the bereaved family. On November 26, the day after the death of my mother, the bereaved family sent a petition to the MEXT to instruct Konan University

to establish a third-party committee, and on December 12, the President of the National Association of School Accidents and Incidents in Japan made a direct statement to the MEXT. Against this background, the MEXT officials came to Konan University in early December to inquire and instruct. Then, Konan University established the Investigating Committee on my erroneous use of research funds, headed by Vice President Nakai, the current President.

Note that the falsely rumored student committed suicide in October 2018. However, Konan University had covered up the incident for one year and a half, not only outside but also within the University, until the bereaved family accused the University of mishandling the case through the mass media in March 2020. In other words, **Vice President Itsuko Nakai became an advisory member of the UN Human Rights Council on October 10, 2019, and ran for and won the University's presidential election on November 29, 2019, all while covering up this student's suicide.**

So now, I would like to ask Chairman Nagasaka and President Nakai, knowing very well that I mistakenly belittled the procedures for using research funds, no matter the reason and background. **Did you want to become the Chairman, the President, and a member of the UN Human Rights Council Advisory Board** by covering up the suicide of your student due to your mishandling of the incident, forcibly forbidding my teaching and research activities inside and outside the University after my return to Japan, and even undermining me with the false accusation of private misappropriation? If so, I would like to ask you again: **What ideals did you want to realize** by disregarding and undermining the existence of your student and colleague, deceiving the eyes of the public, and even obstructing the works of the government? These questions are not out of my anger or hate toward you.

They are natural questions that any reasonable person would ask.

In my experience, "being falsely accused and falsely charged" is an indescribable mental anguish for the person. Fortunately, I am alive because I am a Christian and, above all, lucky and blessed enough to have excellent supporters. The student who committed suicide was only around 20 years old. **He must have had many things he wanted to experience in his life. The bereaved family must have hoped to see their child's future in life.** Hence, it would be best if you respect the wishes of the bereaved family, at least in the case of the student who committed suicide, whatever the background. This proposal does not involve "governance" or "legal compliance." I hope you understand that my suggestion involves the "**ethicity**" encompassing them. I also believe that the proposal aligns with the philosophy of Konan Academy's founder, Hachisaburo Hirao, that is, "**Student First.**"

In May 2022, **a young doctor also committed suicide at Konan Medical Center due to overwork.** Konan University and Konan Hospital are in a situation where a board member of each other is on the same board. Therefore, I see the suicides of the student in 2018 and the young doctor in 2022 as "problems of soul itself," deeply rooted in the Konan Group. The French religious philosopher Gabriel Marcel states that "modern humans are broken" in his work "The Mystery of Being." However, it looks like "**you are broken**" to me.

I am not an expert on the life and thoughts of the founder, Hachisaburo Hirao. However, the current Konan Group seems to be far from his ideals of not only "**Independence, self-sufficiency and self-respect,**" as seen in anecdotes about his behavior, but also "**neighborly love,**" as seen in the motto of the Co-op, which he helped establish, "One for all and all for one." I sincerely hope that you will carefully consider the "ethical manner" of being

the head of the University.

It is not the position, title, or history of a society itself that gives significance to one's acts. **It is one's deeds that give some meaning to the position, title, and history of the society.** Of course, this saying is also a warning to myself.

Note 7: As mentioned in **Note 4** above, Article 16-1 of the "Konan University Regulations on Reporting and Whistleblowing of Improper Research Funding (October 29, 2021)" states, "**No disadvantageous treatment shall be given to the said person simply because he/she has been reported or accused.**" According to this article, President Nagasaka and Vice President Nakai—currently Chairman and President, respectively—used their powers, thereby improperly forbidding my teaching of classes; that is, **they abused their powers by harassing me**, violating the University's article.

Furthermore, in this meeting with President Nagasaka in February 2020, he also requested that I cooperate with the coming primary investigation of "**the use of all research expenses for the past ten years**" because the inquiries of the previous year were just preliminary. This meeting led me to feelings of guilt, "I am sorry to my colleagues in the Faculty of Economics for leaving a gap in my classes," as well as much exhaustion and despair, "Since I returned to Japan in September 2019, I had faithfully cooperated with the grueling inquiries, no matter how physically and mentally wearing out I had been even amid my mother's critical condition and death. Must I go through the same or even more grueling inquiries again?"

After this interview, as if the tension and fatigue in my body and mind after returning to

Japan erupted at once, I began to feel cold in my hands and feet, a sensation that my blood was not flowing through my body, and a floating sensation that my feet were not on the ground. The back of my head always felt heavy, and I could not move against my will.

The primary investigation began in March 2020 and was highly stressful. My physical and mental exhaustion peaked during the investigation, coupled with a sense of emptiness as I wondered, "What is the meaning of conducting such a detailed inquiry?" Nevertheless, what sustained me while facing the primary investigation was **my determination to "avoid a situation in which the investigation fell behind schedule, and thereby Konan University's peace would be further disturbed" and my will to "trust the Investigating Committee, headed by President Nakai, as before and get through this investigation, no matter how physically and mentally exhausting it may be."** This period of the primary investigation was the most arduous and painful and is one of the trauma triggers for my current symptoms of flashback: the sudden unfolding of an inquiry situation of that time in front of my eyes, which has caused nausea and vertigo, as well as palpitations.

Note 8: In March 2020, Vice President Nakai (who became President in April of the same year) and Dean Okada of the Faculty of Economics vehemently accused me of accepting the role of a discussant at the spring conference of Japan Society of Monetary Economics scheduled to be held in May at Chuo University. My acceptance was based on assuming all problems would be resolved by May of the new fiscal year.

Vice President Nakai and Dean Okada blamed me for not having already checked with them. Then, I was frustrated, "Why must I ask permission for all external activities **as if I**

were a criminal?" I also criticized the lack of consistency in the University's policy inwardly, "In the meeting with Chairman Yoshizawa and President Nagasaka in September of the previous year, they stated that participation in academic conferences was up to me as long as they were held outside Konan University" (see **Note 4**). However, as described in **Note 7**, I did not have any mental and physical energy to contend with the University at this time, in addition to my policy "not to confront the University and disturb its peace further." So, I accepted all arguments from Vice President Nakai and Dean Okada and withdrew to become a discussant at the spring conference. The spring conference in May was eventually canceled due to COVID-19; however, as with the cases of **Notes 4** and **7**, this case would also have **constituted power harassment** against me according to Article 16-1 of the "Konan University Regulations on Reporting and Accusing of Improper Use of Research Funds (October 29, 2021)."

Although the above circumstances prevented me from attending the spring conference, I sincerely apologize to those who appointed me as a discussant and all those involved. I would also like to apologize again to you in person when I meet you.

Note 9: For my thoughts at the time of accepting the dismissal by Konan University and **the fact that the University did not raise private misappropriation as a reason for the dismissal**, see also the following document (pages 1 to 3), mentioned above in **Notes 2** and **6**:

[https://kiyotaka.sakura.ne.jp/Nakashima Notice 20230928 2ndRev1005.pdf](https://kiyotaka.sakura.ne.jp/Nakashima%20Notice%20230928%202ndRev1005.pdf).

Particularly note that Chairman Nagasaka, in President Nakai's presence, handed me the dismissal notice in person after reading the dismissal reasons described in it. If they had raised private misappropriation as a reason for my dismissal—even though I was not in perfect physical and mental condition and thought that I should not further disturb the peace of the University while faithfully obeying its policy—I must have asked the two persons who were about to dismiss me in front of my eyes, **"Why do you include private misappropriation as a reason for dismissal?"** since **I had consistently denied any private misappropriation.**

Moreover, when the University's staff of the Faculty of Economics—who had nothing to do with the administration of research expenses or the inquiry of this case—handed me the JSPS's notice of the administrative disposition on October 12, 2020, I did not receive any explanation as to the reasons of the administrative disposition; hence, for a while after receiving the JSPS's notice, I could not understand why the government imposed such a heavy penalty on me.

So now, I would like to know **whether all the disciplinary committee members knew that Chairman Nagasaka and President Nakai did not raise private misappropriation as a reason for my dismissal** in the first place. If so, how and why did the committee members consider that my release was appropriate in light of the disciplinary standards of Japanese academia? Conversely, if they had not known, it would mean that some people had improperly excluded private misappropriation from the reasons for my dismissal.

Only Chairman Nagasaka, President Nakai, and Vice President Takayuki Murashima are

involved in both the Investigating and Disciplinary committees. In particular, President Nakai is also the head of both committees. Thus, they are the ones who can answer the question as to **why the University included private misappropriation in its recommendation for administrative disposition to the government but not in its disciplinary dismissal action against me.** To prevent similar problems, I would like the MEXT and other relevant ministries—or other honest third parties—to investigate this point.

Note 10: The press release issued by Konan University in September 2020 after my dismissal in August and the newspaper, probably based on the University's press release, **reported as if "the University dismissed me due to private misappropriation of research funds."** However, as mentioned above in **Note 9**, the University did not include private misappropriation in the reasons for my dismissal.

Furthermore, this case report on the MEXT website, which President Nakai reported as the head of the Investigating Committee, contains the same description as the press release and the newspaper. As with the University's investigation report to the JSPS (defendant's exhibit 3), Konan University did not notify me of the contents of this case report or even the fact that it had submitted the case report in the first place. On my side, Konan University submitted the case report to the government "in secret" without my notice.

Moreover, all these submitted reports and newspaper articles state, "I said that the motive of this case is to support research for younger researchers." However, at the Disciplinary Committee meeting in June 2020, when Managing Director Kinichiro Hirano asked me whether "the motive is to support research for young researchers," **I faced President**

Nakai and then verbally denied it, firmly saying, "Regardless of this incident, my desire to help young researchers has always been a part of my faiths. However, that is a **strange motive for this incident, right?**" Nevertheless, in September of the same year, after my dismissal, Konan University "in secret" and "without my notice" publicized "the motive that I had verbally denied" through its press releases and media outlets. Such a University's publicity stance, which could lead to misunderstandings and false rumors, is very vicious. As with the problem in **Note 9**, this problem should also be scrutinized with the original recorded data and record of the proceeding, particularly regarding who made **the vicious public announcements** and how and why.

Note 11: For my situation since the dismissal in August 2020, see **Note 3** (p. 8) in the following document, mentioned in **Notes 2, 6, and 9**:

[https://kiyotaka.sakura.ne.jp/Nakashima Notice 20230928 2ndRev1005.pdf](https://kiyotaka.sakura.ne.jp/Nakashima%20Notice%2020230928%202ndRev1005.pdf),

or

[https://kiyotaka.sakura.ne.jp/For NERI 20231026.pdf](https://kiyotaka.sakura.ne.jp/For%20NERI%2020231026.pdf).

According to the settlement agreement proposal for the administrative lawsuit, **I have already regained my eligibility to apply for public research funds, including Grants-in-Aid for Scientific Research.** However, I had no choice but to suspend my application for

the grants for the year 2024, partly because it takes a long time for the government's settlement procedures, including the correction of Konan University's report, and partly because I do not belong to any research institute in the first place.

Also note that in August 2023, I submitted a request to Konan University through my current lawyers, asking them to let me temporarily stay at Konan University without wages, as I would like to seek an academic job. However, the University suggested that I become a JSPS Postdoctoral Fellow through a faculty member of Konan University. As you know, JSPS Postdoctoral Fellowships are "available to only young researchers" within five years of obtaining their doctoral degrees. Therefore, I lost eligibility to apply for the fellowships "a long time ago." So now I want to add that Konan University made such an **"incomprehensible proposal"** to me. As described in **Note 6**, I infer that the University had—or still has—severe existential problems.

Note 12: This is the point I claimed in Plaintiff's Brief No. 6 (p. 2), dated January 20, 2023. The following is an excerpt of the relevant portion for the sake of accuracy:

"3 The supporting intervenor's explanation of private misappropriation is inaccurate and misleading to the plaintiffs.

(1) The supporting intervenors (including Vice-President Itsuko Nakai and Audit Division Director Katsuhiro Ueda) repeatedly explained—stating as if the following is an official opinion (Itv. Ex. 16-2, p. 12, lines 7-10)—that if there is a fact that a researcher receives research expenses in duplicate and then deposits them into his/her bank account where

the researcher deposits and withdrawals his/her private money, it will be considered as private misappropriation unless the researcher can prove purposes for which he/she uses the research expenses improperly received (Itv. Ex. 16-2, p. 11, line 15 and subsequent lines).

(2) However, the supporting intervenor's explanation like this is inaccurate and **misleading** to the plaintiffs.

First, as we have asserted, **there is no official definition and no officially constitutive requirement for private misappropriation of research funds** (Plt. Ex. 13). Therefore, **the supporting intervenor's explanation itself, like there is an official view on private misappropriation, is wrong.** [...]

(3) Thus, the supporting intervenor's explanation regarding private misappropriation is inaccurate, and accordingly, the plaintiff seems to have been confused in answering the intervenor's inquiries. Nonetheless, the fact remains that the plaintiff consistently denied the intent and the existence of private misappropriation as follows."

Hence, I cannot help asking President Nakai the same question as in **Note 6. Did you want to be the President of the University and a member of the UN Human Rights Council Advisory Board by lying to me** as if there were an official definition of private misappropriation, albeit absent? And **what were your ideals** that you wanted to achieve by telling such lies to me? Again, note that these questions are natural and are not motivated by my anger or hatred of you.

Note 13: I have discussed the deficiency of the definition of private misappropriation in **Note 12** above and in **Note 3 at the end of the complaint** (pp. 18 to 19). I want to supplement the below regarding **the unclear meaning of "incorrect use of research funds," i.e., intentional or grossly negligent use of competitive funds for other purposes or use in violation of the terms and conditions related to the decision to grant competitive funds**, which the MEXT stipulates for the definition of incorrect use of research funds.

First, note that the defendant (the JSPS and the MEXT) had asserted that the part "'intentional or grossly negligent' affects not only the part 'use of competitive grant for other purposes' but also the part 'use in violation of the terms and conditions related to the decision to grant competitive funds'" (Defendant's Brief No. 8, 2-1, dated November 28, 2022). Against this defendant's assertion, I asserted in Plaintiff's Brief No.6 (p. 9) dated January 20, 2023, as follows:

"... It is understood that the part 'intentional or grossly negligent' affects only the part 'use of research funds for other purposes' but not the part 'use in violation of the terms and conditions related to the decision to grant competitive funds.'

In this regard, the government (the MEXT) defines the part 'incorrect use of research funds' in the 'Prevention of Incorrect Use of Research Funds and Misconduct in Research Activities' (Ptf. Ex. 16) prepared by itself as follows:

- Intentional or grossly negligent use of competitive funds for other purposes

- Use in violation of the terms and conditions related to the decision to grant competitive funds

Obviously, the part 'intentionally or grossly negligent' does not affect the part 'use in violation of the terms and conditions related to the decision to grant competitive fund.' [...]

Therefore, the defendant's argument is incorrect."

I place the MEXT's, or the government's, 'Prevention of Incorrect Use of Research Funds and Misconduct in Research Activities' (Ptf. Ex. 16) on the last page of the endnotes. And so check this documentary evidence.

Note 14: As described above in **Note 5**, in 2017, Konan University did not meet the conditions for accepting and using public research funds, and hence, the MEXT blamed the University for this lack.

The first day Konan University participated in this administrative lawsuit as a supporting intervenor was June 14, 2022. The Osaka District Court, or Chief Judge Akiko Ohta, spent most of that day giving the University's attorney instructions. Some of those instructions included requests to answer **the Court's question of whether the University's management system of research funds at that time corresponds to the heavy penalty of ten years**; more specifically, it matters whether there was a definition of private misappropriation within the University, whether the University allowed advance payments, or whether

the University's researchers usually managed research funds in their bank account containing personal money. The Court's questions and instructions were very reasonable.

Although this is only one example, Chief Judge Ohta has consistently provided reasonable instructions throughout this lawsuit, which my lawyers and I have highly evaluated. As a plaintiff, I express my deepest gratitude to Chief Judge Ohta for her continued and careful involvement in this lawsuit.

Also, I would like to add that Konan University not only did not follow the above Chief Judge Ohta's instruction but also did not even meet the deadline for a brief organized by the Chief Judge and thus continued to claim without providing reasonable evidence that I conducted private misappropriation of research funds for about one year until the witness examination on June 1, 2023. **The nature of a person or a community, including myself, universities, and nations, would be inevitably revealed in a "limit situation," which was discussed by Karl Jaspers.**

Appendix: Chronological Order

Date	Event	Exhibition	Remarks
2003.4	Appointed to Full-time Lecturer, Faculty of Economics, Kyoto Gakuen University		
2007.4	Appointed to Associate Professor, Faculty of Economics, Kyoto Gakuen University		
2008.4	Appointed to Associate Professor, Faculty of Economics, Konan University		
2014.4	Appointed to Professor, Faculty of Economics, Konan University		
2018.9	Started sabbatical		Until September 2019
2018.9	Appointed to Visiting Scholar at the Institute for Monetary and Economic Studies, Bank of Japan (Tokyo)		Until February 2019
2019.3	Assigned to Visiting Scholar at Columbia University (NY, USA)		Until September 2019
2019.6.28	Received an E-mail from Konan University regarding duplicate submissions and was asked to return		I stayed in Canada for an international conference.
2019.7.6	Temporally returned to Japan to cooperate with inquiries by Konan University		My mother's condition was getting worse.
2019.7.8	Interviewed by Dean Okada, asked to write a letter of apology	Intervenor Ex. 3	

2019.7.9	Interview with President Nagasaka and Dean Okada		Received a warning not to cause the same problem in the future
2019.7.11	Called by Chairman Yoshizawa and President Nagasaka, told of duplicate applications before 2017		
2019.7.13	My mother's condition deteriorated. In addition to my father, his aunt joined in nursing my mother.		Her illness is colon cancer.
2019.7.15	Returned to the US to make a presentation of my research paper at an international conference		
2019.9.18	Returned to Japan		
2019.9.26	1st meeting (Vice President Nakai, Executive Director Hirano, Chief Ueda)	Intervenor Ex. 12	
2019.9.30	Interview with Chairman Yoshizawa and President Nagasaka		If you participate as a discussant, it will be the end of you.
2019.10.1	Made a document titled "Regarding the Duplicate Submissions"	Intervenor Ex. 6	
2019.10.3	Submission of "Letter of Reflection" (with corrections; completed version submitted on October 29)	Intervenor Ex. 7	
2019.10.11	Second meeting	Plaintiff Ex. 17-1	
2019.10.25	Hearing	Intervenor Ex. 12	
2019.11.15	Interview with President Nagasaka		It is a crisis for the survival of Konan University.

2019.11.25	Passing away of own mother		
2020.2.10	Interview with President Nagasaka		As a small university, our university is more vulnerable to negative influences than larger universities. We want you to feel remorse for all university faculty members, officers, alumni, and students.
2020.3.4	Hearing		
2020.3.18	Hearing		Proof of savings account balance requested and submitted in early April
2020.5.14	Hearing	Plaintiff Ex. 17-2	
2020.5.26	Received the University's certification notice of investigation	Plaintiff Ex. 5	
2020.6.26	Hearing	Plaintiff Ex. 17-3	
2020.8.20	Disciplinary Dismissal from Konan University	Plaintiff Ex. 6	
2020.8.26	Accepted the disciplinary dismissal from the University		
2020.10.12	Received notices for administrative dispositions or orders, including the disposition of this case (Received at Konan University)	Plaintiff Ex. 7 to 9	The announcement on the JSPS website deeply shocked me.
2021.4.9	Filed this lawsuit		

Case No. 35 of 2021 for Revocation of Decision

Plaintiff: Kiyotaka Nakashima

Defendant: Japan Society for the Promotion of Science (JSPS)

Defendant's Supporting Intervenor: Konan University

Description of Evidence (8)

April 14, 2023,

Osaka District Court, 7th Civil Division

Attorney-at-Law for Plaintiffs: Shinro Okawa

Shigeyuki Shigematsu

Tetsuyuki Yanagimoto

No. of Plaintiff's Exhibit	Item	Original and Copy	Creation Date	Author	Point of Proof
18-1	Referee Report	Copy	January 29, 2023	Seal	The evidence that the plaintiff has recently submitted a paper, and it has

					been rejected (re- fused for publica- tion) for insufficient data
18-2	Translation into Japanese	Copy	April 14, 2023	Plaintiff	Japanese translation of the part of A18-1 (Referee Report) that corresponds to the plaintiff's point of proof
18-3	Written Statement	Copy	April 14, 2023	Plaintiff	Plaintiff's overall allegation

Referee Report

January 29, 2023

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
4. [REDACTED]
- [REDACTED]
- [REDACTED]
5. This paper focuses on the firms in the manufacturing industry over a period from 2001 to 2014. We do not see a reasonable excuse why not including the data in recent years. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
6. [REDACTED]
- [REDACTED]

References

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

研究費の不正使用、研究活動における 不正行為の防止について

【主な説明内容】

1. 研究費の不正使用、研究活動における不正行為とは
(研究機関等への影響、不正の定義)
2. 研究費の不正使用の防止に関する取組
(科研費の取組、「研究機関における公的研究費の管理・監査のガイドライン(実施基準)」の改正 等)
3. 研究活動における不正行為の防止に関する取組
(科研費の取組、「研究活動における不正行為への対応等に関するガイドライン」 等)
4. 科学研究費助成事業実地検査の結果について
5. 研究倫理教育プログラムについて
6. 研究費の不正使用、研究活動における不正行為に関する相談窓口

1. 研究費の不正使用、研究活動における不正行為とは

研究費の不正使用、研究活動における不正行為とは

	研究費の不正使用	研究活動における不正行為
定義	<ul style="list-style-type: none"> ・故意若しくは重大な過失による競争的資金等の他の用途への使用 ・競争的資金等の交付の決定の内容やこれに付した条件に違反した使用 	<ul style="list-style-type: none"> ・故意又は研究者としてわきまえるべき基本的な注意義務を著しく怠ったことによる、投稿論文など発表された研究成果の中に示されたデータや調査結果等の捏造、改ざん及び盗用等
主な例	<p>【預け金】 業者に架空取引を指示するなどして、虚偽の請求書等を作成させることにより、所属機関から研究費を支出させ、そのお金を業者に管理させるもの</p> <p>【プール金(カラ出張、カラ謝金)】 出張申請や出勤簿の改ざん等により旅費や謝金等を不正に請求するなどして、そのお金を研究室や個人等が管理するもの</p> <p>【書類の書換え(差換え、品替え、品転)】 業者に虚偽の請求書等を作成させることにより、所属機関から研究費を支出させ、実際には契約した物品とは異なる物品に差し替えて納入させるもの</p>	<p>【捏造】 存在しないデータ、研究結果等を作成するもの</p> <p>【改ざん】 研究資料・機器・過程を変更する操作を行い、データ、研究活動によって得られた結果等を真正でないものに加工するもの</p> <p>【盗用】 他の研究者のアイデア、分析・解析方法、データ、研究結果、論文又は用語を当該研究者の了解又は適切な表示なく流用するもの</p> <p>※各研究分野の特性や、研究機関の規程においては、二重投稿や不適切なオーサiership等も不正行為として定義される場合がある</p>
文科省等が定めるガイドライン	<p>「研究機関における公的研究費の管理・監査のガイドライン(実施基準)」 (平成19年2月 文部科学大臣決定(平成26年2月改正))</p>	<p>「研究活動における不正行為への対応等に関するガイドライン」 (平成26年8月 文部科学大臣決定)</p>

6. 研究費の不正使用、研究活動における不正行為 に関する相談窓口

研究費の不正使用、研究活動における不正行為に関する相談窓口

【科研費の不正使用、研究活動における不正行為に関する相談窓口】

○文部科学省交付分

文部科学省研究振興局学術研究助成課企画室指導係

・直通電話:03-6734-4095 ・Fax:03-6734-4093

○日本学術振興会交付分

(独)日本学術振興会 監査・研究公正室

・直通電話:03-3263-1074 ・Fax:03-3237-8238

【研究機関における公的研究費の管理・監査のガイドラインに基づく体制整備等に関する相談窓口】

文部科学省研究振興局振興企画課競争的資金調整室

・直通電話:03-6734-4014 ・E-mail:kenkyuhi@mext.go.jp

競争的資金調整室では、各機関のガイドラインに基づく体制整備等全般に関する相談を実施しています。

各機関において、体制整備、関係規程の制定・見直しに関する検討等に際してご質問・ご相談がある場合は、お問合せください。

【研究活動における不正行為に関する相談窓口】

文部科学省科学技術・学術政策局人材政策課研究公正推進室

・直通電話:03-6734-3874 ・E-mail:kiban@mext.go.jp

研究公正推進室では、研究活動の不正行為への対応のガイドラインを示し、各機関における体制等の整備や厳正な運用を求めているところです。これに関し、一般的なご質問・ご相談がある場合は、お問合せください。

【研究に関する不正の告発受付窓口】

○文部科学省 研究振興局振興企画課競争的資金調整室

・直通電話:03-6734-4018 ・E-mail:chosei-k@mext.go.jp

○日本学術振興会 監査・研究公正室

・直通電話:03-3263-1074 ・E-mail:mezasubako@jsps.go.jp

English Translation of Plaintiff's Exhibit No.16 (Yellow Markings Only)

p.1;

Prevention of Incorrect Use of Research Funds and Misconduct in Research Activities

p.4;

Incorrect Use of Research Funds

Definition

- Intentional or grossly negligent use of competitive funds for other purposes
- Use in violation of the terms and conditions related to the decision to grant competitive funds