7. Suspension/Termination Policy and Procedures for APN Funded Projects and Activities

APN, April 2010
Suspension/Termination Policy and Procedures of
APN Funded Projects and Activities

1. Suspension/Termination Policy and Procedures

1.1 Definitions
i. **Suspension** is an action by the APN that temporarily withholds the financial support of a project/activity.

ii. **Termination** is an action by the APN that definitively withdraws the financial support of a project/activity, in whole or in part, at any time prior to the expiration of the official Term of the Contract, as specified in the Contract between the APN, Project Leader and the Grantee.

iii. A **Grantee** is an organisation receiving financial support for an approved project/activity from the APN.

iv. The **Authorised Representative of the Grantee** is the person who co-signs the Contract of an APN funded project/activity, on behalf of the Grantee organisation.

1.2 Suspension and Termination
1.2.1 General Policy

i. Action by the APN to suspend or terminate the financial support of an APN funded project/activity will be taken only after the Project Leader and/or Authorised Representative of the Grantee have been informed by the APN of the planned action, or informed of any deficiency on their part and given an opportunity to explain themselves and correct the deficiency.

ii. The APN may immediately suspend or terminate the financial support of an APN funded project/activity when it believes such action is reasonable to protect the interests of the APN and/or any of its Member Country Governments.

iii. If both parties, i.e. the APN and the Project Leader/Grantee, agree that the continuation of the APN funded project/activity would not produce results commensurate with the further expenditure of funds, or if any other reason arises, the financial support may be terminated by mutual agreement.

iv. The financial support of an APN funded project or activity may be suspended or terminated in whole or in part in any of the following situations:
   1. By the APN when the Project Leader and/or the Grantee have materially failed to comply with the terms and conditions set forth in the Contract and associated regulations.
   2. By the APN under the APN’s Policy of “Misconduct in Science” as outlined in Section 3 below.
   3. By the APN and the Grantee by mutual agreement (if the APN and the Grantee cannot reach an agreement, the APN reserves the right to unilaterally terminate financial support).
4. by the Grantee on written notice to the APN setting forth the reasons for such action, the effective date, and, in the case of partial termination, the portion to be terminated or suspended (with the understanding that if the APN determines that the non-terminated portion will not accomplish the purposes of the financial support it may suspend or terminate the entire financial support).

v. The Project Leader and/or the Grantee involved in the APN funded project/activity may be considered ineligible for future funding by the APN until the APN has determined that the terms and conditions of the Contract have been fully satisfied and the causes for the suspension or termination removed.

vi. The Project Leader and/or the Grantee have the right to appeal APN’s decision of a suspension or termination (refer to Section 2. “Procedures for Appeal of Suspension or Termination”).

1.2.2 Procedures for Suspension or Termination by the APN
i. When the APN Secretariat, who is in charge of guidance and management of the APN funded project/activity, believes that a Project Leader and/or Grantee have failed to comply with one or more of the terms and conditions set forth in the Contract and associated regulations, the Director of the APN Secretariat will advise the Project Leader and/or Grantee in writing (informing the Scientific Planning Group [SPG] Co-Chairs, the Steering Committee [SC] Chair, the national Focal Point [nFP] and the SPG Member of the member country where the Grantee is located as well) of the nature of the problem and that failure to correct the deficiency may result in suspension or termination of financial support. The Project Leader and/or Grantee will be requested to respond in writing within 30 calendar days of the date of such letter, describing the action planned or taken to correct the deficiency (and also including in the correspondence the two SPG Co-Chairs, the SC Chair, the nFP and SPG Member of the member country where the Grantee is located)¹.

ii. If a satisfactory response is not received within the aforementioned period, the Director of the APN Secretariat may issue, after having consulted the two SPG Co-Chairs, (and including in the correspondence the SC Chair, the nFP and the SPG Member of the member country) in which the Grantee is located, a notice immediately suspending the financial support, including suspending authority to further obligate funds, in whole or in part. Written notice of the suspension shall be sent by certified mail (return mail requested) to the Authorised Representative of the Grantee, with a copy to the Project Leader. The notice will set forth the terms of the suspension and its effective date.

iii. Normally, the suspension will remain in effect for a maximum of 60 days to allow the Project Leader and/or the Grantee to take corrective action and report to the APN Secretariat. In the event that the deficiency has not been corrected, within

¹ In the event that the Grantee organisation is located in a country that is not a member of the APN, only the two SPG Co-Chairs and the SC Chair will be informed.
the aforementioned period to the satisfaction of the APN, the Director of the APN Secretariat may issue, in consultation with the SPG Co-Chairs and the SC Chair, a written notice of termination, to the attention of the Authorised Representative of the Grantee and the Project Leader. The written notice will set forth the reasons for the action and its effective date.

iv. No reimbursement of costs incurred during a suspension period or after the effective date of a termination will be allowable, except those costs which, in the opinion of the APN, the Grantee could not reasonably avoid or eliminate, or which were otherwise authorised by the suspension or termination notice, provided such costs would otherwise be allowable under the terms and conditions of the Contract.

v. Within 30 days of the termination date the Project Leader and/or the Grantee will furnish a summary report of activities conducted under the financial support and a detailed financial report of costs incurred prior to the termination date or pursuant to iv., above. Final allowable costs under a termination settlement will be in accordance with the terms of the Contract, including this section, and associated regulations, giving due consideration to the progress of the activities conducted under the financial support.

vi. A notice of termination other than by mutual agreement and/or the final settlement amount may be subject to appeal pursuant to Section 2. “Procedures for Appeal of Termination”. Pending resolution of an appeal, the notice of termination will remain in effect.

1.2.3 Termination by Mutual Agreement

i. If the Grantee wishes to terminate a project/activity, the Authorised Representative of the Grantee shall notify the Director of the APN Secretariat in writing.

ii. If the APN wishes to terminate a project/activity, the Director of the APN Secretariat shall notify, after having consulted the SPG Co-Chairs and the SC Chair, in writing, the Authorised Representative of the Grantee, and send copies of such written notification to the Project Leader, the nFP and the SPG Member of the member country in which the Grantee is located.

iii. Within 30 days after receipt of request from either party for termination by mutual agreement, the other party will provide an appropriate written decision, subject to the appeal procedures prescribed by Section 2. “Procedures for Appeal of Termination.” Following termination, financial support closeout procedures will be initiated.

2. Procedures for Appeal of Termination

Procedures

i. The Grantee shall submit a certified letter to the SC Chair, noting the Grantee’s
disagreement, giving reasons for the appeal and providing any other material pertinent to the appeal. Copies of such letter must also be sent to the SPG Co-Chairs, Director of the APN Secretariat, and the nFP and SPG Member of the member country in which the Grantee is located.

ii. The letter as described above must be postmarked no later than 30 days after the date of the written notice to the Grantee of the termination of the financial support. The timeline for filing an appeal is strictly enforced and no extension for preparing an appeal will be granted.

iii. The appeal must contain a full statement of the Grantee’s position with respect to the disputed matter and the facts and reasons in support of the Grantee’s position. Appeals will be considered if the Grantee submits new information (which was not available at the time of the decision of termination); if an error in fact or application of APN policy is noted in the original decision; or improper procedures were followed in the original decision.

iv. The SC Chair will review and consider, in consultation with the SPG Co-Chairs, the matter. The SC Chair and the SPG Co-Chairs may also designate one or more individuals to review the case.

v. The designated individual(s) (see iv. above) will review and consider all relevant information available. A report which identifies the conclusion and recommendation will be completed within 30 calendar days and forwarded to the SC Chair and SPG Co-Chairs for the final and non-appealable written decision. The final decision will be relayed, in writing, to the APN Secretariat who will communicate the decision to the Grantee, normally within 14 calendar days of receipt of the final decision, unless otherwise specified by the APN. Copies of such a final decision shall also be sent to the nFP and SPG Member of the member country in which the Grantee is located.

3. Misconduct in Science

*APN Policies and Responsibilities*

i. Misconduct means: 1) fabrication, falsification, plagiarism or other serious deviation from accepted practices in proposing, carrying out or reporting results of projects/activities funded by the APN; or 2) retaliation of any kind against a person who has reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.

ii. The APN will take appropriate action against individuals or organisations upon determination that misconduct has occurred in proposing, carrying out or reporting results from projects/activities funded by the APN. It may also take interim action during an investigation. Possible actions include sending a letter of reprimand to the individual or organisation, requiring special assurances of compliance with particular policies, restricting designated activities or expenditures under particular grants, suspending or terminating grants,
suspending an individual or organisation from future funding and prohibiting any participation by an individual in APN activities.

iii. The APN will determine misconduct only after careful inquiry and investigation by the Grantee organisation, by another institution or by the APN. An “inquiry” consists of information-gathering and preliminary fact-finding to determine whether an allegation or apparent instance of misconduct has substance. An investigation must be undertaken if the inquiry determines the allegation or apparent instance of misconduct has substance. An “investigation” is a formal examination and evaluation of relevant facts to determine whether misconduct has taken place or, if misconduct has already been determined, to assess its extent and consequences or determine appropriate action.

iv. Before the APN makes any final finding of misconduct or takes any final action on such a finding, the APN will normally afford the accused individual or organisation notice, an opportunity to provide comments and rebuttal, and an opportunity to appeal.

v. Prohibition from receiving future APN funding, or project suspension or termination for misconduct will be imposed only after a decision is taken by the APN SC.

vi. The APN SC, subject to the approval of the Inter-Governmental Meeting (IGM), generally oversees and coordinates APN activities related to misconduct, conducts any APN inquiries and investigations into suspected or alleged misconduct in science and, except where otherwise provided, speaks and acts on behalf of the entire APN with affected individuals and organisations.

vii. The SC may conduct an inquiry and/or an investigation by itself, or may assign a team of at least three independent individuals² to conduct an inquiry and/or investigation. A report shall be prepared within 30 calendar days after the start of the inquiry/investigation for further consideration by the SC. The SC may then initiate further investigations or hearings, or order interim or final actions. A written disposition specifying actions to be taken will be sent to affected individuals and/or organisations and will include instructions on how to pursue an appeal to the APN.

Role of the Grantees

i. Grantees bear primary responsibility for prevention and detection of misconduct. In most instances, the APN will rely on Grantees to promptly:
   1. Initiate an inquiry into any suspected or alleged misconduct;
   2. Conduct a subsequent investigation, if the inquiry finds substance; and
   3. Take action necessary to ensure the integrity of research, the rights and

² In no case will the inquiry/investigation be undertaken by any individual involved in the decision or involved in recommending and/or monitoring the scientific aspects of the matter or responsible for negotiating and/or administering the business aspects of the funded project/activity.
interests of research subjects and the public, and the observance of legal requirements or responsibilities.

ii. Grantees should maintain and effectively communicate to their staff appropriate policies and procedures relating to misconduct, which should indicate when the APN must or should be notified.

Reporting Possible Misconduct
Possible misconduct in projects/activities funded by the APN should be reported to the Director of the APN Secretariat, Asia-Pacific Network for Global Change Research (APN), East Building 4F, 1-5-2 Wakinohama Kaigan Dori, Chuo-ku, Kobe 651-0073, Japan.