

Ritsumeikan Asia Pacific University Regulations for the Management of Public Research Funds

May 12, 2015

Regulations No. 1060

Chapter 1. General Provisions

(Purpose)

Article 1 These Regulations stipulate necessary matters relating to the management and auditing of public research funds at the University, based on the Ministry of Education, Culture, Sports, Science and Technology's Guidelines on the Management and Auditing of Public Research Funds at Research Institutions (Implementation Standards) (hereafter "the Implementation Standards").

(Definitions)

Article 2 In these Regulations, the term "public research funds" refers to the following types of funds.

- (1) Research funds subject to a public call for applications and distributed by the Ministry of Education, Culture, Sports, Science and Technology or an independent administrative institution under the jurisdiction of the Ministry of Education, Culture, Sports, Science and Technology
- (2) Subsidies the Ministry of Education, Culture, Sports, Science and Technology requires to be handled in accordance with the Implementation Standards
- (3) Research funds subject to a public call for applications and distributed by a national government ministry or agency other than the Ministry of Education, Culture, Sports, Science and Technology, an independent administrative institution under the jurisdiction of a national government ministry or agency other than the Ministry of Education, Culture, Sports, Science and Technology, a local government authority, or a special public corporation; and subsidies that national government ministries or agencies other than the Ministry of Education, Culture, Sports, Science and Technology require to be handled in accordance with the Implementation Standards

2 In these Regulations, "researcher" means any faculty or administrative staff member, student, or

visiting research fellow involved in the use of public research funds at the University.

3 In these Regulations, “funding organization” means any public entity that grants public research funds.

4 In these Regulations, “misuse” means for a researcher to use public research funds in violation of statutory provisions regarding the proper administration and management of public research funds, rules stipulated by the funding organization, or the University’s regulations.

5 In these Regulations, “information on misuse” means the following types of information related to any researcher currently or formerly at the University.

(1) Information from reports received pursuant to the Ritsumeikan Trust Report Handling Regulations (hereafter “the Report Handling Regulations”) that came to be handled pursuant to these Regulations on the basis that it concerns a misuse of public research funds

(2) Information concerning a misuse of public research funds that is provided to an executive officer or member of faculty or administrative staff (hereafter “faculty/staff member”) of The Ritsumeikan Trust (hereafter “the Trust”) from within or outside the University without the involvement of an official reporting center.

(3) Information concerning a misuse of public research funds that is made public through means such as press reports and the internet where the content is clearly defined and reasonable grounds are provided for considering a misuse to have occurred

6 In these Regulations, “complainant” means any person who has provided to a faculty/staff member any information concerning misuse of research funds perpetrated by a researcher of the University, with the intention of making an official report and accompanied by the person’s own name and contact details.

7 In these Regulations, “respondent” means any person accused in information relating to misuse of research funds of committing said misuse.

8 In these Regulations, “malicious accusation” means a report made despite no actual misuse occurring, primarily for the purpose of causing some harm to the respondent or the University in order to attack the respondent or obstruct research conducted by the respondent.

## Chapter 2. Organizational Responsibilities

(Responsibilities)

Article 3 The President shall serve as the Chief Administrator bearing final responsibility for the management of public research funds at the University.

2 A Vice President in charge of research shall serve as the General Administrator bearing responsibility and authority for supervising the management of public research funds at the university and assisting the Chief Administrator.

3 The Dean of International Cooperation and Research shall serve as Compliance Officer bearing responsibility and authority for informing and directing researchers on compliance with rules for proper expenditure of public research funds.

4 Compliance Officer shall appoint the following individuals as Assistant Compliance Officers to assist the Compliance Officer.

- (1) Manager of the Research Office
- (2) Other persons designated by the Compliance Officer

(Duties of the Chief Administrator)

Article 4 The Chief Administrator shall perform the following tasks.

- (1) Determining the basic policy for the prevention of misuse
- (2) Providing appropriate guidance for the General Administrator, Compliance Officer, and Assistant Compliance Officers to fulfill the responsibilities listed in Articles 5 through 7.
- (3) Providing appropriate guidance for the General Administrator, Compliance Officer, and Assistant Compliance Officers to operate and manage research expenses, etc. in a responsible manner
- (4) Determining policies for responding to information on misuse

(Duties of the General Administration)

Article 5 The General Administrator shall perform the following tasks.

- (1) Designing plans for preventing the misuse, based on the basic policy for the prevention of misuse
- (2) Designing plans for the compliance education and awareness activities
- (3) Supervising investigations responding to information on misuse
- (4) Monitoring implementation of plans for preventing the misuse and formulating strategies for improvement and reporting to the Chief Administrator

(Duties of Compliance Officer)

Article 6 Compliance Officer shall perform the following tasks.

- (1) Implementing and verifying plans for preventing the misuse of public research funds
- (2) Implementing research compliance education and awareness-raising activities for researchers, and management and supervision of their participation in such activities.
- (3) Directing researchers in the proper disbursement of public research funds, as required
- (4) Reporting to the General Administrator regarding the implementation status of the preceding three items

(Duties of Assistant Compliance Officers)

Article 7 Assistant Compliance Officers shall assist the Compliance Officer and perform the following tasks.

- (1) Producing and distributing the research funds usage guidebook, prescribing the procedures for disbursement of research funds
- (2) Monitoring and improving the conditions of disbursement of public research funds
- (3) Directing researchers in the handling of public research fund disbursements, as required
- (4) Responding to information related to misuse

(Duties of Researchers)

Article 8 Researchers must comply with applicable statutory provisions and rules for the disbursement of research funds and disburse public research funds appropriately, based on the Ritsumeikan Asia Pacific University Research Code of Ethics.

- 2 Researchers must follow the directions of Compliance Officer and undertake research compliance education.
- 3 Researchers involved in the disbursement of public research funds must submit to the Chief Administrator a written pledge promising that such public research funds will be disbursed properly.
- 4 Researchers must follow the directions of Compliance Officers and Assistant Compliance Officers with regard to the handing of disbursements of public research funds.
- 5 Researchers must cooperate faithfully with investigations stipulated in these Regulations, including

submitting relevant records and participating in interviews.

### Chapter 3. Environment Supporting Proper Operation and Management

#### (Official Authority)

Article 9 Authority to perform official tasks in relation to the disbursement of public research funds and the administrative processing thereof shall be governed by the regulations of The Ritsumeikan Trust.

#### (Consultation Center)

Article 10 The University shall maintain a consultation center to handle consultations regarding public research funds from within and outside the University.

2 The Research Office shall serve as the consultation center.

#### (Reporting Centers)

Article 11 Reports in relation to the misuse of public research funds from within and outside the University shall be received by the reporting centers stipulated in the Report Handling Regulations.

#### (Conveying Information Regarding Misuse)

Article 12 Faculty/staff members who receive information regarding misuse must promptly convey it to the Compliance Officer or Assistant Compliance Officer.

2 The Compliance Officer or Assistant Compliance Officer receiving information conveyed under the preceding paragraph shall promptly convey it to the General Administrator and Chief Administrator.

#### (Interim Measures)

Article 13 Upon receiving information under paragraph 2 of the preceding article, the Chief Administrator may, when necessary, institute interim measures in the form of temporary and/or partial suspension of the disbursement of public research funds in the case of persons subject to investigation such as the accused.

- 2 Upon receiving information under paragraph 2 of the preceding article, the Chief Administrator may, when necessary, institute interim measures to preserve materials that may serve as evidence.
- 3 In the case of the preceding two paragraphs, associated researchers must comply with the directions of the Chief Administrator.

(Decision to Conduct Investigation)

Article 14 The Chief Administrator shall decide whether or not to conduct an investigation within 30 days of receiving information under paragraph 2 of Article 12.

- 2 The Chief Administrator may conduct preliminary investigations when necessary for the purpose of making decision under the preceding paragraph.
- 3 In making a decision under paragraph 1, when the complainant has not disclosed their name, the details of the misuse are not clearly specified, or there are no reasonable grounds for considering misuse to have occurred, the Chief Administrator shall not conduct an investigation. However, this does not apply when the Chief Administrator has concluded that there is a high probability that misuse has occurred.
- 4 When the Chief Administrator has decided to conduct an investigation, the Chief Administrator shall notify the complainant that an investigation will be conducted. When the Chief Administrator has decided not to conduct an investigation, the Chief Administrator shall notify the complainant that an investigation will not be conducted, and state the reason.

(Investigative Committee)

Article 15 The Chief Administrator shall decide on the membership of the investigative committee and establish an investigation committee to begin the investigation within 30 days of the decision to conduct an investigation pursuant to paragraph 1 of the preceding article.

- 2 The investigative committee shall consist of three or more members and the Chief Administrator shall appoint them separately for each case.
- 3 One or more members of the investigative committee shall be external experts (lawyers, certified accountants etc.) who are deemed by the Chief Administrator to have no direct interests in the university.
- 4 The members of the investigative committee shall be persons the Chief Administrator has judged not to have direct conflict of interest with the complainant or respondent.

5 The Chief Administrator shall designate one of the members of the investigative committee as chairperson.

(Investigation Subject Matter, etc.)

Article 16 The investigative committee shall investigate the following matters.

- (1) Whether or not misuse occurred
- (2) The details of the misuse
- (3) Those who were involved and the extent of their involvement
- (4) The monetary value of the misuse
- (5) Other matters considered necessary

2 The investigative committee shall conduct the investigation using the following methods.

- (1) Examination of materials relating to the relevant research activities and disbursement of public research funds
- (2) Interviews with related persons
- (3) Other methods considered necessary

(Joint Investigations with Other Research Institutions)

Article 17 When the misuse is connected with another research institution, the Chief Administrator may notify the relevant research institution and, as necessary, cooperate or conduct a joint investigation with said research institution.

2 When a joint investigation is conducted with another research institution or when another research institution requests reasonable cooperation from the University in relation to an investigation, the University shall faithfully conduct or cooperate with said investigation.

3 When the case is considered to include other forms of impropriety aside from misuse, the Chief Administrator may, as necessary, cooperate or conduct a joint investigation with another internal investigative committee.

(Determining Results of Investigation)

Article 18 In determining each item of Article 16 Paragraph 1, the investigative committee shall make a comprehensive judgment based on objective facts.

2 When finding that a respondent has committed misuse or that the complainant's report was made

maliciously, the investigative committee must provide the respondent or complainant with an opportunity to provide an explanation.

(Reporting Results of Investigation to Chief Administrator)

Article 19 The investigative committee shall complete its investigation and report the results to the Chief Administrator within 150 days of beginning the investigation. However, if the investigation cannot be completed due to unavoidable circumstances, the investigative committee shall instead submit an interim report.

(Objections)

Article 20 The Chief Administrator, having acknowledged the results of the investigation, shall promptly notify the complainant and the respondent of the results of the investigation.

2 The complainant or respondent, if dissatisfied with the results of the investigation and wishing to request a reinvestigation, may make an objection to the Chief Administrator within 14 days of being notified of the results.

3 The complainant or respondent, when making an objection under the preceding paragraph, must explain their grounds for doing so in writing.

(Reinvestigation)

Article 21 Upon receiving an objection under paragraph 2 of the preceding article, the Chief Administrator shall decide whether or not to conduct a reinvestigation. However, when the grounds of the objection are reasonably adequate to overturn the results of the investigation, the Chief Administrator must conduct a reinvestigation.

2 When the Chief Administrator will conduct a reinvestigation, the Chief Administrator shall notify the complainant and respondent. When the Chief Administrator will not conduct a reinvestigation, the Chief Administrator shall notify the person who made the objection and state the reason.

3 When conducting a reinvestigation, the Chief Administrator shall order the investigative committee to conduct the reinvestigation. In this case, the Chief Administrator may add or replace committee members as necessary.

4 The reinvestigation shall conclude within a term of 50 days from its beginning. However, this term may be extended if unavoidable circumstances arise.



- 5 The Chief Administrator shall promptly notify the complainant and the respondent of the results of the reinvestigation.
- 6 Objections to the results of the reinvestigation shall not be accepted.

(Finalization of Results of Investigation)

Article 22 The Chief Administrator shall finalize the results of the investigation after following the procedures in Articles 19 through 21.

(Reporting to Funding Organizations)

Article 23 When the Chief Administrator has decided to conduct an investigation, the Chief Administrator shall notify the funding organization granting the relevant funds, the national government ministry or agency with jurisdiction over said funding organization, and the Ministry of Culture, Sports, Science and Technology (collectively referred to hereafter as “the funding organizations”) within 30 days of receiving the report.

- 2 In conducting the investigation, the Chief Administrator shall report to and discuss with the funding organizations the approach, subjects, and method of the investigation.
- 3 During the investigation, when misuse has been partially or fully confirmed, the Chief Administrator shall report to the funding organizations.
- 4 If requested by the funding organization(s), the Chief Administrator will provide progress reports and interim reports.
- 5 The University shall comply with requests from the funding organizations regarding such matters as provision or viewing of materials and onsite investigations, except the case where there are justifiable reasons such that the investigation causes any trouble.
- 6 The Chief Administrator shall notify the results of investigation, the receipt of objections and the results of reinvestigation to the funding organization
- 7 Following finalizations of the results of the investigation, the Chief Administrator shall produce a final report including the following information and submit it to the funding organizations within 210 days of receiving information under paragraph 2 of Article 12. However, when the investigation is not completed by this deadline, the Chief Administrator shall instead submit an interim report to the funding organization(s).

(1) Results of the investigation by the investigative committee

- (2) Reasons the misuse occurred
- (3) Management and auditing systems for any other public research funds connected with persons involved in the misuse
- (4) Plans for preventing recurrence
- (5) Other matters the Chief Administrator considers necessary

8 When the Chief Administrator has received an order to return public research funds or other directions from a funding organization or the Ministry of Education, Culture, Sports, Science and Technology, the Chief Administrator shall institute all measures necessary to carry out the order or directions.

(Disciplinary Action)

Article 24 Disciplinary action against persons found in the finalized results of an investigation to have misused public research funds or made a malicious accusation and persons in positions of managing said public research funds or supervising said persons shall be based on the Ritsumeikan Trust Regulations on Procedure for Punitive Measures for Faculty and Staff Members.

(Legal Action)

Article 25 The Ritsumeikan Trust may claim compensation for any damage caused to it by the misuse of public research funds or by a malicious accusation.

2 The Ritsumeikan Trust shall take legal action as necessary against persons found in the finalized results of an investigation to have misused public research funds or made a malicious accusation.

(Action against Vendors)

Article 26 The Ritsumeikan Trust may institute a cessation of dealings in accordance with the Ritsumeikan Trust Regulations for the Administration of Contracts against any vendor involved in a misuse of public research funds.

(Publication of Investigation Results)

Article 27 When the Chief Administrator has finalized the results of the investigation into misuse of public research funds, the Chief Administrator shall publish the following information on the

University's homepage.

- (1) Names and positions of those who were involved in the misuse
  - (2) Summary of the misuse
  - (3) Summary of measures instituted by the University in response to the misuse
  - (4) Names and positions of the members of the investigative committee and summary of the investigation methods
  - (5) Other matters the Chief Administrator considers necessary
- 2 Notwithstanding the previous paragraph, the Chief Administrator may refrain from publishing some information when the Chief Administrator determines that there are reasonable grounds for leaving the information undisclosed.
- 3 When the Chief Administrator has finalized in the results of the investigation that the complaint was a malicious accusation, the Chief Administrator may publish this information in accordance with the preceding two paragraphs.

(Privacy)

- Article 28 The Ritsumeikan Trust shall not take disciplinary action or any other action disadvantageous to a person who has interacted with the consultation center, made a report, or cooperated with an investigation solely on the grounds of such consultation, report, or cooperation. However, this does not apply in finalized cases of malicious accusation.
- 2 The Ritsumeikan Trust shall not take disciplinary action or any other action disadvantageous to a respondent solely on the grounds that a complaint has been made against them, except in the form of orders necessary for an investigation stipulated in these Regulations.
- 3 In accordance with the preceding two paragraphs, faculty/staff members must not engage in any disadvantageous treatment or harassment solely on the grounds of having lodged a consultation or report having cooperated with an investigation, or having been the subject of a report.

#### Chapter 4. Plan for Preventing the Misuse

(Formulation and Publication of Plans for Preventing the Misuse)

- Article 29 The General Administrator shall each academic year formulate and publish a plan for preventing the misuse to address the causes of misuse of public research funds.

(Implementation of Plans for Misuse Prevention)

Article 30 The Research Office shall serve as the office in charge of implementing plans for preventing misuse and promote plans to prevent public research funds being misused across the entire University.

2 The office which promotes plans for preventing misuse shall formulate and implement specific measures for the Plan for Misuse Prevention.

3 The General Administrator shall make efforts to manage the progress of plans for preventing the misuse of funds and shall report to the Chief Administrator on an annual basis.

Chapter 5. Proper Management of Public Research Funds

(Compliance with Relevant Statutory Provisions)

Article 31 Staff involved in handling public research funds must handle said funds fairly and properly pursuant to relevant statutory provisions, standards for the disbursement standards of said funds, and the provisions of applicable internal regulations.

(Proper Management of Disbursements)

Article 32 The Assistant Compliance Officers in items (1) and (2) of paragraph 4, Article 3 (hereafter “Assistant Compliance Officers for Administrative Affairs”) shall periodically examine budgetary expenditure, ascertain the progress of research projects, and institute any necessary measures.

2 Researchers and Assistant Compliance Officers for Administrative Affairs shall specify the source of expenditure at the ordering stage, and make efforts to ensure that the status of budgetary expenditure can be ascertained without delay.

(Ordering and Delivery Inspections)

Article 33 Work related to ordering and the inspection of deliveries shall be conducted properly in accordance with the Ritsumeikan Trust Regulations for the Administration of Contracts and the Ritsumeikan Trust Regulations for Accounting Operation and Decision-Making.

2 Inspection of deliveries purchased using public research funds shall involve inspection by an

inspection officer under the orders of the Assistant Compliance Officer for Administrative Affairs in addition to inspection by the researcher.

- 3 The inspection officer must cross-check the actual goods with the document notifying completion of supply (hereafter “delivery statement”) and affix an imprint of their inspection seal in the prescribed place on the delivery statement.
- 4 Goods purchased that do not require asset registration in accordance with the standards prescribed in the Ritsumeikan Trust Accounting Regulations shall nonetheless be appropriately managed in a ledger if the Assistant Compliance Officer for Administrative Affairs determines that they have especially high liquidity.

(Collection of Written Pledges from Vendors)

Article 34 In order to raise awareness of the University’s policies and rules in relation to the prevention of misuse of public research funds, the Assistant Compliance Officer for Administrative Affairs shall require vendors that had dealings with the University in the previous academic year to submit a written pledge if they meet certain standards prescribed by the Assistant Compliance Officer for Administrative Affairs. However, this does not apply if the University and the vendor have already entered into a contract that stipulates compliance conditions.

(Checking Employment Administration of Work Attendance)

Article 35 An administrative staff member under the orders of the Assistant Compliance Officer for Administrative Affairs shall perform checks on the employment administration of work attendance by non-regular employees engaged with public research funds.

(Checking Execution of Official Trip Plans)

Article 36 An administrative staff member under the orders of the Assistant Compliance Officer for Administrative Affairs shall perform checks on official trips taken by researchers and related persons in accordance with official trip plans, based on materials documenting the facts of said official trips.

(Procedures for Disbursement of Public Research Funds)

Article 37 The Chief Administrator shall determine in a guidebook on any procedures for disbursement of public research funds not stipulated in Articles 32 through 36, based on relevant statutory provisions, standards for the disbursement of public research funds stipulated by funding organizations, and relevant regulations of the University.

#### Chapter 6. Publication of Institutional Policies relating to the Measures for Preventing Misuse

##### (Publication)

Article 38 The University shall publish the following information on its homepage.

- (1) Ritsumeikan Asia Pacific University Research Code of Ethics
- (2) Other related regulations
- (3) Official titles of the Chief Administrator, General Administrator, Compliance Officers and Assistant Compliance Officers
- (4) Information related to the consultation and reporting centers
- (5) Plan for preventing misuse and implementation reports
- (6) Other information the Chief Administrator considers necessary

#### Chapter 7. Monitoring Systems

##### (Internal Audits)

Article 39 The Office of Auditing shall perform the following internal audits each academic year.

- (1) Audit of management system and activities of office in charge of plans for preventing misuse
  - (2) Audit employing focused sampling
2. The Office of Auditing shall report the results of audits to the Chairman of the Board of Trustees and shall forward them to the Chief Administrator.

##### (Documentation Check)

Article 40 The office in charge of plans for preventing the misuse shall request the Administration Office to check the documentation to conduct documentation checks objectively.

2 With regard to the disbursement of public research funds, upon request from the office in charge of

plans for preventing the misuse, the Administration Office shall set criteria for cases with a high possibility of misuse occurring, select a certain number of samples from the balance sheets for these cases, and check documentation related to revenues and expenditures.

(Coordinated Audits)

Article 41 The Office of Auditing, auditors and auditing firms must work in coordination and make efforts to ensure their auditing is effective.

## Chapter 8. Confidentiality and Miscellaneous Provisions

(Confidentiality)

Article 42 Faculty/staff members involved in the consultation center, investigations, and audits must not disclose confidential information they have obtained in the course of their work. This continues to apply after they have ceased to be faculty/staff members.

(Matters Not Provided)

Article 43 The University shall perform appropriate management and auditing of matters not provided in these Regulations, in accordance with the Implementation Standards and related directives of the Ministry of Education, Culture, Sports, Science and Technology.

(Amendment and Abolition)

Article 44 Any amendments and abolition of these Regulations shall be performed by the President, following deliberation by the University Senate.

### Supplementary Provisions

1. These Regulations are effective from May 12, 2015, and shall be applied from April 1, 2015.
2. The Ritsumeikan Asia Pacific University Implementation Standards for the Management and Audit of Public Research Funds shall be abolished upon these Regulations coming into effect.

Supplementary Provision (March 23, 2021: partial amendment upon change to requirements for reporting, etc. to funding organizations)

These Regulations are effective from April 1, 2021.

Supplementary Provision (July 27, 2021: partial amendment upon changes to organizational Responsibility, the office for promotion of plans for preventing the misuse, etc.)

These Regulations are effective from July 28, 2021.

Supplementary Provision (August 2, 2022: partial amendment to clarify the system of responsibility and procedures for investigations)

These Regulations are effective from August 2, 2022.