

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

Section 1 – General Provisions

(Purpose)

Article 1           These regulations determine necessary provisions related to the management and audit of public research funds at this university, based on the Guidelines for the Management and Audit of Public Research Funds at Research Institutions (Implementation Standards) (hereinafter, "implementation standards") of the Ministry of Education, Culture, Sports, Science and Technology.

(Definitions)

Article 2           Within these regulations, "public research funds" refers to the following types of funds.

- (1) Open application-type research funds granted by the Ministry of Education, Culture, Sports, Science and Technology or by an independent agency 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 managed in accordance with the Implementation Standards
- (3) Research funds from the Program to Support Formation of Strategic Research Infrastructure at Private Universities (MEXT)
- (4) Open application-type research funds granted by another ministry or government office, by an independent agency under the jurisdiction of another ministry or government office, by a local public body or by a semigovernmental corporation; and subsidies managed by another ministry or government office in accordance with the Implementation Standards

2           Within these regulations, "researcher" refers to faculty members, staff members, students and visiting research fellows at this university who administer, receive or make use of public research funds.

3           Within these regulations, "granting agency" refers to public institutions that grant public research funds.

4           Within these regulations, "misuse" refers to a researcher using public research funds in violation of laws and ordinances related to the proper administration and management of public research funds, in violation of rules determined by the granting agency or in violation of university regulations.

5           Within these regulations, "information related to misuse" refers to the following types of information related to researchers at this university or to persons who were once researchers at this university.

- (1) Information from reports received based on the Ritsumeikan Trust Report Handling Regulations that came to be handled under these regulations due to relating to misuse of public research funds.
- (2) Information provided from inside or outside the university, without the involvement of a reporting center, to an executive, faculty member or staff member (hereinafter, "faculty and staff members") of the Ritsumeikan Trust (hereinafter, "this trust") and related to misuse of public research funds
- (3) Information made publicly available through such means as press reports or the internet that is related to misuse of public research funds and clearly indicates the content of the case and reasonable grounds to consider it misuse

6           Within these regulations, "complainant" refers to a person who has provided information relating to misuse by a researcher at this university to a faculty or staff member with the intent of making a complaint and who has provided their name and contact information.

7           Within these regulations, "defendant" refers to a person who has been accused of committing misuse within the information related to misuse.

8           Within these regulations, "malicious accusation" refers to complaints made despite no actual misuse occurring, with the aim of causing damage to the defendant or to this university as part of an effort to attack the defendant or obstruct the defendant's research.

## Section 2 – Organizational Responsibility

### (Responsibility)

Article 3           The president of the university will serve as the Chief Administrator and bear final responsibility for management of public research funds at this university.

2           A vice president designated by the president will serve as the General Administrator and have responsibility and authority to supervise management of public research funds at this university. The General Administrator will assist the Chief Administrator.

3           The following officials will serve as Compliance Officers and have responsibility and authority to inform and direct researchers in relation to compliance with proper usage of public research funds.

- (1) The Dean of the International Cooperation and Research Division
- (2) The Deans and Directors of the Colleges and Centers

4           The following persons will serve as Assistant Compliance Officers and assist the

Compliance Officers.

- (1) The administrative manager of the Research Office
- (2) The administrative managers of other offices that manage public research funds
- (3) Other persons designated by the Compliance Officers

(Duties of the Chief Administrator)

Article 4           The Chief Administrator will perform the following tasks.

- (1) Approving basic policies for prevention of misuse
- (2) Approving policies for responding to information related to misuse

(Duties of the General Administrator)

Article 5           The General Administrator will perform the following tasks.

- (1) Designing plans for preventing misconduct and misuse related to research funds, based on the basic policies for prevention of misuse
- (2) Supervising investigations responding to information related to misuse
- (3) Confirming the implementation of plans for preventing misconduct and misuse related to research funds and designing policies to improve them

(Duties of the Compliance Officers)

Article 6           The Compliance Officers will perform the following tasks.

- (1) Implementing and verifying the plans for preventing misconduct and misuse related to research funds
- (2) Implementing research compliance education for researchers and checking the state of attendance
- (3) Giving guidance to researchers about proper usage of public research funds, when necessary

(Duties of the Assistant Compliance Officers)

Article 7           The Assistant Compliance Officers will perform the following tasks.

- (1) Creating and distributing a research funds usage guidebook setting the procedures for research funds usage
- (2) Monitoring and improving usage of public research funds
- (3) Directing researchers about proper usage of public research funds, when necessary
- (4) Responding to information related to misuse

(Duties of Researchers)

Article 8 Based on the Ritsumeikan Asia Pacific University Research Ethics Guidelines, researchers must comply with relevant laws and regulations, as well as any usage standards for specific research funds, and use research funds properly.

2 Researchers must follow the directions of the Compliance Officer and attend research compliance education.

3 Researchers involved in the use of public research funds must affirm they will use public research funds properly by submitting a written pledge to the Chief Administrator.

4 In relation to usage of public research funds, researchers must follow the directions of the Compliance Officers and Assistant Compliance Officers.

5 Researchers must faithfully cooperate with investigations set forth in these regulations, including submitting relevant records and participating in hearings.

### Section 3 – Environment Supporting Proper Administration and Management

(Administrative Authority)

Article 9 Ritsumeikan Trust regulations determine administrative authority related to usage of and office work for public research funds.

(Consultation Center)

Article 10 The university will maintain a consultation center to respond to concerns related to public research funds from inside and outside the university.

2 The consultation center will be the Research Office.

(Reporting Centers)

Article 11 Reporting centers will receive reports related to misuse of public research funds from inside and outside the university. The reporting center will be the reporting center determined by the Ritsumeikan Trust Report Handling Regulations.

2 The consultation center in Article 10 Paragraph 2 may, with the consent of the reporter, handle information provided to the consultation center as a report, based on the Ritsumeikan Trust Report Handling Regulations Article 7 Paragraph 2.

(Report of Information Related to Misuse)

Article 12 Faculty and staff members who receive information related to misuse must promptly report it to a Compliance Officer or to an Assistant Compliance Officer.

2 The Compliance Officer or Assistant Compliance Officer who has received the

information above must promptly report it to the General Administrator and Chief Administrator.

(Extraordinary Measures)

Article 13 The Chief Administrator, having received the report in Article 12 Paragraph 2, may, when necessary and as an extraordinary measure, order a temporary or partial suspension of usage of the public research funds.

2 The Chief Administrator, having received the report in Article 12, may, when necessary and as an extraordinary measure, take steps to preserve material that may serve as evidence.

3 In the case of the preceding two paragraphs, the relevant researcher must obey the directions of the Chief Administrator.

(Decision to Conduct Investigation)

Article 14 The Chief Administrator will decide whether or not to conduct an investigation within 30 days of receiving the report in Article 12 Paragraph 2.

2 The Chief Administrator may conduct a preliminary investigation when necessary for the purpose of making the decision in the preceding paragraph.

3 Regarding the decision in Paragraph 1, when the person who has made the complaint has not disclosed their name, when the content of the misuse is not clear or when there is no reasonable evidence to consider the matter as misuse, the Chief Administrator will not conduct an investigation. However, this does not apply when the Chief Administrator has concluded that it is likely misuse occurred.

4 When the Chief Administrator has decided to conduct an investigation, the Chief Administrator will notify the complainant. When the Chief Administrator has decided not to conduct an investigation, the Chief Administrator will notify the complainant and state the reason.

(Investigative Committee)

Article 15 The Chief Administrator will decide the members of an investigative committee and begin the investigation within 30 days of deciding to conduct an investigation as in Article 14 Paragraph 1.

2 The investigative committee will consist of three or more members and the Chief Administrator will appoint them separately for each case.

3 One or more members of the investigative committee will be external experts.

4 The members of the investigative committee will be persons the Chief Administrator has judged as not causing any conflict of interest through a direct concern with the complainant

or defendant.

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

(Investigation)

Article 16 The investigative committee will investigate and determine the following matters.

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

2 The investigative committee will investigate using the following methods.

- (1) Examination of materials related to the relevant research activities and public research funds usage
- (2) Interviews of related persons
- (3) Other methods as necessary

(Joint Investigations with Other Research Institutions)

Article 17 When the misuse concerns 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 this university conducts a joint investigation with another research institution or when another research institution requests reasonable cooperation from this university in relation to an investigation, this university will faithfully conduct or cooperate with the investigation.

3 When the case includes misconduct apart from misuse, the Chief Administrator may, as necessary, cooperate or conduct a joint investigation with another internal investigative committee.

(Results of Investigation)

Article 18 In verifying whether or not misuse occurred, the investigative committee will make a comprehensive conclusion based on objective facts.

2 When finding that the defendant has committed misuse or that the complainant made a malicious accusation, the investigative committee must provide the defendant or complainant with the opportunity to give an explanation.

(Report of Results of Investigation to Chief Administrator)

Article 19        The investigative committee will complete its investigation and report the results of the investigation to the Chief Administrator within 150 days of beginning the investigation. However, when unavoidable circumstances arise, the investigative committee may instead submit an interim report.

(Objections)

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

2            The complainant or defendant, 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 defendant, when making an objection as in the above paragraph, must explain their grounds for doing so in writing.

(Reinvestigation)

Article 21        The Chief Administrator, having received an objection as in Article 20 Paragraph 2, will 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 will conduct a reinvestigation.

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

3            When conducting a reinvestigation, the Chief Administrator will 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 must conclude within 50 days. However, when unavoidable circumstances arise, the reinvestigation may be extended.

5            The Chief Administrator will promptly notify the complainant and the defendant of the results of the reinvestigation.

6            There will be no acceptance of objections to the results of the reinvestigation.

(Verification of Results of Investigation)

Article 22 The Chief Administrator, through the procedures in Articles 19 - 21, will verify the results of the investigation.

(Reports to Granting Agencies)

Article 23 When the Chief Administrator has decided to conduct an investigation, the Chief Administrator will promptly notify the granting agency concerned with the case, the ministry or government agency with jurisdiction over the granting agency, and the Ministry of Culture, Sports, Science and Technology (hereinafter collectively referred to as "granting agencies").

2 During the investigation, when misuse has been partially or fully confirmed or when one or more of the granting agencies has requested an interim report, the Chief Administrator will submit an interim report to the granting agencies.

3 At the request of the granting agencies, the university will provide materials and cooperate with on-site investigations.

4 The Chief Administrator will report the results of investigation, the receipt of objections and the results of reinvestigation to the granting agencies.

5 Based on the verification of the results of the investigation, the Chief Administrator will write a final report including the following information and submit it to the granting agencies within 210 days of receiving the report in Article 12 Paragraph 2. However, when unavoidable circumstances arise, the Chief Administrator may instead submit an interim report.

- (1) Results of the investigation by the investigative committee
- (2) Reasons misuse occurred
- (3) State of the management and auditing of other public research funds associated with the person(s) involved in the misuse
- (4) Plans for preventing recurrence of misuse
- (5) Other matters the Chief Administrator has deemed necessary

6 When the Chief Administrator has received an order to return public research funds or other directions from the Ministry of Education, Culture, Sports, Science and Technology or the granting agency, the Chief Administrator will take any necessary steps to carry out the order or direction.

(Disciplinary Action)

Article 24 Disciplinary action against persons who have been verified in the results of an investigation as misusing public research funds or making a malicious accusation, persons who are in a position of directing the relevant faculty and/or staff members and persons who are in a position of managing the relevant public research funds will be based on the Ritsumeikan



## Trust Procedural Regulations for Disciplinary Action Against Faculty and Staff.

### (Legal Action)

Article 25 When misuse of public research funds or a malicious accusation has caused damage to this trust, this trust will claim compensation for said damages.

2 This trust will take legal action as necessary against those persons who have been verified in the results of an investigation as misusing public research funds or making a malicious accusation.

### (Measures Against Vendors)

Article 26 This trust, based on the Ritsumeikan Trust Contract Work Handling Regulations, as necessary will suspend transactions with vendors that have been involved in misuse of public research funds.

### (Release of Results of Investigation)

Article 27 When the Chief Administrator has verified the results of the investigation of misuse of public research funds, the Chief Administrator will release the following information through the internet.

- (1) Names and positions of those who were involved in the misuse
- (2) Summary of the misuse
- (3) Content of measures this university took 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 has deemed necessary

2 Regardless of the previous paragraph, the Chief Administrator may refrain from releasing some information when the Chief Administrator determines that there are reasonable grounds for leaving the information undisclosed.

3 When the Chief Administrator has verified in the results of the investigation that the complaint was a malicious accusation, the Chief Administrator may release this information in accordance with two paragraphs above.

### (Privacy)

Article 28 Regarding those persons who have interacted with the consultation center, made a complaint or cooperated with an investigation, this trust will not take disciplinary action or any other action disadvantageous to these persons with only the consultation, complaint or cooperation with the investigation as a reason. However, this does not apply in cases in which

the complaint was a malicious accusation.

2 This trust will not take disciplinary action or any other action disadvantageous to the defendant, outside of the orders necessary for the investigation for which these regulations provide, with only the complaint made against them as a reason.

3 Based on the above paragraphs, faculty and staff members must not take any action disadvantageous to those involved or harass those involved with only consultation, complaint or cooperation with the investigation as a reason.

#### Section 4 – Plan for Preventing Misconduct and Misuse Related to Research Funds

(Design and Release of Plan for Preventing Misconduct and Misuse Related to Research Funds)

Article 29 Every year, the General Administrator will design and release a plan for preventing misconduct and misuse related to research funds in response to factors causing misuse of public research funds.

(Implementation of Plan for Preventing Misconduct and Misuse Related to Research Funds)

Article 30 The Administration Office will serve as the office in charge of implementing the plan for preventing misconduct and misuse related to public research funds across the entire university.

2 The office in charge of implementing the plan for preventing misconduct and misuse related to research funds will design and implement specific policies for the plan, track the status of implementation and report to the Chief Administrator every year.

3 The General Administrator will manage the progress of the plan for preventing misconduct and misuse related to research funds.

#### Section 5 – Proper Management of Public Research Funds

(Compliance with Relevant Laws)

Article 31 Those using public research funds must handle them fairly and properly in accordance with the relevant laws, public research funds usage standards and university regulations.

(Proper Usage and Management)

Article 32 The Assistant Compliance Officers in Article 3 Paragraph 4 (1) - (2) must periodically examine the state of budget usage, confirm the progress of research plans and take any necessary measures.

2 Researchers and the Assistant Compliance Officers must identify the source of funds for purchases at the order stage and work to ensure it is possible to grasp the state of budget

usage without delay.

(Orders and Delivery Inspection)

Article 33 The university will perform the administrative work for orders and delivery inspections properly in accordance with the Ritsumeikan Trust Contract Work Regulations and Ritsumeikan Trust Accounting Settlement Regulations.

2 Regarding delivery inspections of items purchased with public research funds, in addition to researchers inspecting items themselves, an inspection officer designated by the Assistant Compliance Officer will perform inspections.

3 The inspection officer must compare the item with the notification of the completion of payment (hereinafter, "statement of delivery") and place the designated inspection stamp on the statement of delivery.

4 Regarding purchased equipment for which the Ritsumeikan Trust Accounting Regulations do not require registration as university property, when an Assistant Compliance Officer determines that the equipment has high liquidity, they may appropriately track the equipment through use of a ledger.

(Collection of Written Pledges from Vendors)

Article 34 The Assistant Compliance Officers will determine conditions for written pledges from vendors and collect written pledges from those vendors with which transactions took place in the previous fiscal year, in order to raise awareness of this university's policies and rules related to the prevention of misuse of public research funds. However, this does not necessarily apply to cases in which there is an existing contract with the vendor that determines compliance conditions

(Confirmation of Employment Administration Related to Working Schedules)

Article 35 Regarding the employment administration of working schedules of part-time employees engaged with public research funds, a staff member assigned by the Assistant Compliance Officer will perform the duties of checking the relevant working schedules.

(Confirmation of Execution of Official Trip Plans)

Article 36 Regarding official trips taken by researchers and related persons in accordance with official trip plans, a staff member assigned by the Assistant Compliance Officer will perform the duties of checking the execution of official trips based on materials documenting the facts of the official trips.

(Procedures for Usage of Public Research Fund)

Article 37            Regarding procedures for usage of public research funds not outlined in Articles 32 - 36, the Chief Administrator will determine the procedures based on relevant laws and public research funds usage standards set forth by granting agencies and will present the procedures in the Research Funds Usage Guidebook.

Section 6 – Release of Institutional Policies for Measures Against Misconduct and Misuse  
(Release to the Public)

Article 38            The university will publicize the following information on its homepage.

- (1) Ritsumeikan Asia Pacific University Research Ethics Guidelines
- (2) Related regulations
- (3) Official titles of Chief Administrator, General Administrator, Compliance Officers and Assistant Compliance Officers
- (4) Information related to the consultation and reporting centers
- (5) Outline of plan for preventing misconduct and misuse related to research funds
- (6) Other information the Chief Administrator deems necessary

Section 7 – Monitoring  
(Internal Audits)

Article 39            The Office of Auditing will perform the following internal audits every year in accordance with internal audit regulations.

- (1) Audit of management system and activities of office in charge of plans for preventing misconduct and misuse related to research funds
- (2) Audit employing focused sampling

2            The Office of Auditing will report the results of audits to the Chairman of the Board of Trustees and will send them to the Chief Administrator.

(Documentation Check)

Article 40            The office in charge of plans for preventing misconduct and misuse related to research funds, in relation to the usage of public research funds, will set standards for cases that show a high possibility of misuse occurring, select a sample from balance sheets and check documentation related to payments and expenditures.

(Coordinated Audits)

Article 41            The Office of Auditing, auditor and auditing firms must coordinate and work to ensure effective auditing.

## Section 8 – Confidentiality and Other Rules

### (Confidentiality)

Article 42 Faculty and staff members involved in the consultation center, investigations or audits must not disclose confidential information they have obtained as part of their work. This continues to apply once they have ceased to be a faculty or staff member.

### (Handling of Matters Not Determined Here)

Article 43 The university will properly manage and audit matters not determined in these regulations in accordance with implementation standards the directives from the Ministry of Education, Culture, Sports, Science and Technology.

### (Revisions)

Article 44 The President will carry out any revisions to these regulations after deliberation at the University Senate Meeting.

### Supplementary Provisions

1 These regulations shall come into force on May 12, 2015 and will 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 with the coming into force of these regulations.