

Ritsumeikan Asia Pacific University Regulations for Prevention of Misconduct in Research Activities

May 12, 2015

Regulations No. 1061

(Purpose)

Article 1 These regulations stipulate necessary matters related to the handling of misconduct in research activities at the University, based on the Guidelines for Responding to Misconduct in Research (hereinafter, "Guidelines") of the Ministry of Education, Culture, Sports, Science and Technology.

(Application)

Article 2 These regulations apply to all research activities conducted at the University.

(Definitions)

Article 3 In these regulations, "researcher" refers to faculty or administrative staff member, student, and visiting research fellow engaging in research activities at the University.

2 In these regulations, "misconduct" refers to fabrication, falsification, plagiarism, duplicate submissions, and inappropriate authorship, and destruction of evidence or obstruction of substantiation of the aforementioned actions (including concealing, disposing of, or failing to produce materials or test samples such as experimental records indispensable to supplementary examination or reconstruction), occurred either willfully or as a result of gross neglect of the basic duty of care that researchers must bear in mind in the processes of preparing and reporting research results. The definition of the terms is respectively specified in the following items.

- (1) Fabrication: Making up data, research results, etc.
- (2) Falsification: Manipulating research materials, equipment, or processes to change data or results obtained through research activities.
- (3) Plagiarism: Appropriating the ideas, analysis, analytical methods, data, research results, research paper(s), or words of other researchers without obtaining the permission of the

researchers or giving appropriate credit.

- (4) Duplicate submission: Submitting essentially the same research paper as one that has already been published or submitted to another journal when the originality of a research paper or journal is required.
- (5) Inappropriate authorship: Listing people who did not contribute substantially to research or failure to attribute authorship of a paper to the qualified authors.

3 The acts similar to the preceding paragraph shall be referred to as misconduct specified in these regulations.

4 Among misconduct specified in the paragraph 2, the acts listed in the items 1 to 3 shall be referred to as “specific research misconduct”.

5 In these regulations, "information related to misconduct" refers to the following types of information related to researchers at the University or to persons who were once researchers at the University.

- (1) Information concerning a misconduct that is provided to an executive or member of faculty or administrative staff (hereinafter, "faculty/staff member") of the Ritsumeikan Trust (hereinafter, "the Trust") from within or outside the University without the involvement of an official reporting center.
- (2) Information concerning a misconduct that is made public through means such as academic conferences, press reports or the internet where the content is clearly defined and scientific and reasonable grounds are provided for considering misconduct to have occurred.

6 In these regulations, “allegation” refers to providing information related to misconduct to the reporting center specified in the Article 10.

7 In these Regulations, “complainant” refers to any person who has provided to a faculty/staff member any information concerning misconduct 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.

8 In these regulations, "respondent" refers to any person accused in information relating to misconduct of committing said misconduct.

9 In these regulations, "malicious accusation" refers to a report made despite no actual misconduct 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.

(Responsibility)

Article 4 The president shall serve as the Chief Administrator bearing final responsibility for the prevention of misconduct at the University.

2 A vice president in charge of research shall serve as the General Administrator bearing responsibility and authority for supervising the prevention of misconduct at the University and assisting the Chief Administrator.

3 The Dean of the International Cooperation and Research shall serve as Responsible Conduct of Research Education Officer (hereafter, "RCR Education Officer") bearing responsibility and authority for informing and directing researchers on compliance with research ethics at the university.

(Duties of the Chief Administrator)

Article 5 The Chief Administrator shall perform the following tasks.

- (1) Determining the basic policy for the prevention of misconduct
- (2) Determining policies for responding to information on misconduct

(Duties of the General Administrator)

Article 6 The General Administrator shall perform the following tasks.

- (1) Designing, implementing and supervising plans for the research ethics education, based on the basic policy for the prevention of misconduct
- (2) Supervising investigations responding to information on misconduct
- (3) Responding to information related to misconduct

(Duties of the RCR Education Officer)

Article 7 The RCR Education Officer shall perform the following tasks.

- (1) Implementing research ethics education for researchers and managing attendance
- (2) Directing researchers on research ethics, when necessary

(Duties of Researchers)

Article 8 Researchers must engage in research activities ethically and must not commit misconduct, based on the Guidelines and the Ritsumeikan Asia Pacific University Research Code of Ethics.

2 Researchers must follow the directions of the RCR Education Officer and undertake research ethics education.

3 Researchers must, in order to prevent misconduct and based on the Ritsumeikan Asia Pacific University Research Code of Ethics, properly preserve records such as materials and data collected or created in the course of research, following the criteria set forth by the Ministry of Education, Culture, Sports, Science and Technology and in a way that will allow for verification in the future.

4 Researchers must cooperate faithfully with investigations stipulated in these regulations, including submitting relevant materials, data and records and participating in interviews.

(Consultation Center)

Article 9 The university shall maintain a consultation center to handle consultations related to misconduct and the prevention of misconduct from within and outside the University.

2 The Research Office shall serve as the consultation center.

(Reporting Centers)

Article 10 The Research Office shall be the contact point for receiving allegations, for reporting to the RCR Education Officer, and for conveying reports to the Chief Administrator specified in paragraph 1 of Article 4 of these regulations based on paragraph 2 of Article 9 of the Ritsumeikan Report Handling Regulations.

(Conveying Information related to Misconduct)

Article 11 Faculty/staff members who receive information related to misconduct must promptly convey it to the RCR Education Officer or to the Assistant Officer.

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

(Interim Measures)

Article 12 Upon receiving information indicating that misconduct may occur, the Chief Administrator may, when interim measures are necessary, issue a warning to the respondent.

2 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, the associated researchers must comply with the directions of the Chief Administrator.

(Decision to Conduct Investigation)

Article 13 The Chief Administrator shall decide whether or not to conduct an investigation within 30 days of receiving information under paragraph 2 of Article 11.

2 The Chief Administrator may conduct a preliminary investigation on the reasonableness of the allegation and whether the allegation can be investigated properly, when necessary for making decision under the preceding paragraph.

3 In making a decision under paragraph 1, when the complainant has not disclosed their name, the Chief Administrator shall not conduct an investigation. However, this does not apply when the Chief Administrator has concluded that there is scientific reasonableness to determine that misconduct has occurred.

4 In making a decision under paragraph 1, when the name of the researcher and the details of the misconduct are not clarified or when there is no scientific and reasonable evidence to consider the matter as misconduct, the Chief Administrator shall not conduct an investigation.

5 When the Chief Administrator has decided to conduct an investigation, the Chief Administrator shall notify the complainant and respondent that an investigation will be conducted, and request their cooperation with the investigation. When the Chief Administrator has decided not to conduct an investigation, the Chief Administrator will notify the complainant that an investigation will not be conducted, and state the reason.

(Investigative Committee)

Article 14 The Chief Administrator shall form an investigative committee and begin the

investigation within 30 days of deciding to conduct an investigation.

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

3 More than half the members of the investigative committee shall be external experts.

4 The members of the investigative committee shall be persons the Chief Administrator has judged not to have any 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.

6 The Chief Administrator will notify the complainant and defendant of the names and affiliations of the members of the investigative committee.

7 The complainant and respondent may, within seven weeks of receiving the notification under the preceding paragraph, make an objection about the membership of the investigative committee.

8 When the Chief Administrator has received an objection under the preceding paragraph and has considered being appropriate, the Chief Administrator shall change the membership of the investigative committee. However, in the case of such changes, there will be no acceptance of objections to the new members of the investigative committee.

(Investigation)

Article 15 The investigative committee shall investigate and determine the following matters.

- (1) Whether or not misconduct occurred
- (2) The details of the misconduct
- (3) Those who were involved in the misconduct, the extent of their involvement.
- (4) Roles of respective authors of papers related to research activities determined as misconduct in the related papers and research activities
- (5) Other matters considered necessary

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

- (1) Examination of materials such as papers, experimental and observation notes, and raw data relating to the research activities in question and related research activities

(2) Interviews with related persons

(3) Other methods considered necessary

3. The investigative committee may request cooperation with the investigation from other research institutions, academic societies, etc.

(Joint Investigations with Other Research Institutions)

Article 16 When the misconduct 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 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 misconduct, the Chief Administrator may, as necessary, cooperate or conduct a joint investigation with another internal investigative committee.

(Determination)

Article 17 In determining whether or not specific research misconduct occurred, the investigative committee shall make a comprehensive assessment of the evidence obtained through investigation, including the physical and scientific evidence, the testimony, and any admission by the respondent.

2 Notwithstanding the preceding paragraph, due to a lack of key components, that are supposed to be present in the research, if the respondent does not present sufficient evidence to dispel the suspicion of specific research misconduct, it shall be determined specific research misconduct occurred.

3 When determining that the respondent has committed misconduct 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 18 The investigative committee shall complete its investigation and report the results 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 19 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 20 Upon receiving an objection under paragraph 2 of Article 19, 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 will 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 50 days from its beginning. However, when unavoidable circumstances arise, this term may be extended.

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 21 The Chief Administrator shall finalize the results of the investigation after following the procedures in Articles 18 through 20.

(Reporting of Specific Research Misconduct to Funding Organizations)

Article 22 When the Chief Administrator has decided to conduct an investigation, and the misconduct to be investigated is specific research misconduct, and such research activities related to specific research misconduct are funded by the following types of funding, the Chief Administrator will promptly notify the public institution granting the relevant funds (hereinafter, "funding organization"), the ministry or government agency with jurisdiction over the funding organization, and the Ministry of Culture, Sports, Science and Technology (hereinafter collectively referred to as "funding organizations").

- (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 Guidelines
- (3) Research funds subsidized by the Ministry of Education, Culture, Sports, Science and Technology's operating expense subsidies for private universities
- (4) Open application-type research funds or subsidies 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 semi-governmental corporation

2 During the investigation, when specific research misconduct has been partially or fully confirmed or when one or more of the funding organizations has requested an interim report, the Chief Administrator will submit an interim report to the funding organizations.

3 The University shall comply with requests from the funding organizations regarding such matters as provision of materials and onsite investigations,

4 The Chief Administrator shall notify the results of the investigation (including the determination), the receipt of the objection, the rejection of the objection, the decision to initiate a reinvestigation,

as well as the results of the reinvestigation to the funding organizations.

5 Following the finalization of the results of the investigation, the Chief Administrator shall produce a final report including the following information and submit it to the funding organization.

- (1) Results of the investigation by the investigative committee
- (2) Content of measures this university took in response
- (3) Reasons the specific research misconduct occurred and plans for preventing reoccurrence
- (4) Other matters the Chief Administrator considers necessary

6 When the Chief Administrator has received an order to return public research funds or other directions from the funding organizations, the Chief Administrator shall institute all measures necessary to carry out the order or direction.

7 When the Chief Administrator has finalized the results of the investigation of specific research misconduct, the Chief Administrator may, as necessary, notify the institutions responsible for the publication of related papers and discuss with them how to respond.

(Disciplinary Action)

Article 23 Disciplinary action against persons found in the finalized results of an investigation to have committed misconduct or made a malicious accusation shall be based on the Ritsumeikan Trust Procedural Regulations for Disciplinary Action Against Faculty and Staff.

2 Disciplinary action against students found in the finalized results of an investigation to have committed misconduct or made a malicious accusation will be based on the Ritsumeikan Trust Regulations for Disciplinary Action Against Students.

(Legal Action)

Article 24 The Trust may claim compensation for any damage caused to it by the misconduct or by a malicious accusation.

2 The Trust shall take legal action as necessary against persons found in the finalized results of an investigation to have committed misconduct or made a malicious accusation.

(Publication of Investigation Results)

Article 25 When the Chief Administrator has finalized the results of the investigation of misconduct, the Chief Administrator shall publish the following information on the University's homepage.

- (1) Names and positions of those who were involved in the misconduct
- (2) Summary of the misconduct
- (3) Summary of measures instituted by the University in response to the misconduct
- (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 preceding 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, such as the information including personal information or intellectual property.

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 26 The 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 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.

(Confidentiality)

Article 27 Faculty/staff members involved in the consultation center and investigations must not disclose confidential information they have obtained in the course of their work. This continues to apply after they have ceased to be a faculty/staff member.

(Publication)

Article 28 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 Chief Administrator, General Administrator, RCR Education Officer and Assistant Officers
- (4) Information related to the consultation and reporting centers
- (5) Other matters the Chief Administrator considers necessary

(Guidelines)

Article 29 The university shall handle matters not provided in these regulations, in accordance with the Guidelines and related directives of the Ministry of Education, Culture, Sports, Science and Technology.

(Amendment and Abolition)

Article 30 Any amendments and abolition of these Regulations shall be performed by the President, following deliberation by the University Senate.

Supplementary Provisions

These regulations are effective from May 12, 2015 and shall be applied from April 1, 2015.

Supplementary Provisions (March 24, 2021: partial amendment upon clarification of the reporting center)

These Regulations are effective from April 1, 2021.

Supplementary Provisions (July 27, 2021: partial amendment upon change to the definition of misconduct, the organizational responsibility)

These Regulations are effective from July 28, 2021.