

May 12, 2015
Regulation No. 1061

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

(Purpose)

Article 1 These regulations determine necessary provisions related to the handling of misconduct in research activities at this university, based on the Guidelines for Measures Against Misconduct in Research Activities (hereinafter, "Guidelines") of the Ministry of Education, Culture, Sports, Science and Technology.

(Application)

Article 2 These regulations apply to all research activities conducted at this university.

(Definitions)

Article 3 Within these regulations, "researcher" refers to faculty members, graduate and undergraduate students, and visiting research fellows at this university who conduct research activities at this university.

2 Within these regulations, "misconduct" refers to the following actions taking place in the course of producing and reporting research outcomes, whether those actions occurred deliberately or as a result of gross negligence of the basic duties of care researchers must bear in mind.

- (1) Forgery: preparing non-existent data, research results, etc.
- (2) Manipulation: processing data, results and other content obtained through research activities, etc. into inauthentic ones, through operations modifying research materials, equipment, or processes.
- (3) Misappropriation: misappropriating ideas, analytical methods, data, research results, research papers or terminology of other researchers, without consent of the researcher in question, or without appropriate acknowledgement.
- (4) Destruction of evidence or obstruction of substantiation of the above actions (including concealing, disposing of or failing to produce materials or test samples such as experimental records indispensable to supplementary examination or reconstruction)

3 Within these regulations, "information related to misconduct" 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 suspicion of misconduct
- (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 suspicion of misconduct
- (3) Information made publicly available through such means as academic conferences, press reports or the internet that is related to suspicion of misconduct and clearly indicates the content of the case and scientific and reasonable grounds to consider it misconduct

4 Within these regulations, "complainant" refers to a person who has provided information relating to misconduct 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.

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

6 Within these regulations, "malicious accusation" refers to complaints made despite no actual misconduct 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.

(Responsibility)

Article 4 The president of the university will serve as the Chief Administrator and bear final responsibility for prevention of misconduct.

2 A vice president designated by the president will serve as the General Administrator and have responsibility and authority to supervise prevention of misconduct. 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 at this university in relation to compliance with research ethics.

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

4 The Compliance Officers may appoint Assistant Compliance Officers to assist the Compliance Officers.

(Duties of the Chief Administrator)

Article 5 The Chief Administrator will perform the following tasks.

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

(Duties of the General Administrator)

Article 6 The General Administrator will perform the following tasks.

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

(Duties of the Compliance Officer)

Article 7 The Compliance Officers will perform the following tasks.

- (1) Implementing research ethics education for researchers and checking the state of attendance
- (2) Giving guidance to researchers about research ethics, when necessary
- (3) Responding to information related to misconduct

(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 Ethics Guidelines

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

3 Researchers must, in order to prevent misconduct and based on the Ritsumeikan Asia Pacific University Research Ethics Guidelines, properly preserve records such as materials and data collected or created in the course of research, following the standards 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 faithfully cooperate with investigations set forth in these regulations, including submitting relevant materials, data and records and participating in interviews.

(Consultation Center)

Article 9 The university will maintain a consultation center to respond to concerns related to misconduct and prevention of misconduct from inside and outside the university.

2 The consultation center for researchers will be the Research Office.

(Reporting Centers)

Article 10 Reporting centers will receive reports related to misconduct 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 9 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 Misconduct)

Article 11 Faculty and staff members who receive information related to misconduct 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 12 The Chief Administrator, having received information indicating that misconduct may occur and determining that there is a need for extraordinary measures, will issue a warning to the defendant.

2 The Chief Administrator 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 13 The Chief Administrator will decide whether or not to conduct an investigation within 30 days of receiving the report in Article 11 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, the Chief Administrator will not conduct an investigation. However, this does not apply when the Chief Administrator has concluded that there are scientific and reasonable grounds to believe misconduct occurred.

4 Regarding the decision in Paragraph 1, when the name of the researcher and nature of the misconduct is not clear or when there is no scientific and reasonable evidence to consider the matter as misconduct, the Chief Administrator will not conduct an investigation.

5 When the Chief Administrator has decided to conduct an investigation, the Chief Administrator will notify the complainant and defendant 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 and state the reason.

(Investigative Committee)

Article 14 The Chief Administrator will form an investigative committee and begin the investigation within 30 days of deciding to conduct an investigation.

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.

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 defendant may, within seven weeks of receiving the notification in the preceding paragraph, make an objection about the membership of the investigative committee.

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

(Investigation)

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

(1) Whether or not misconduct occurred

(2) The content of misconduct

(3) Those who were involved in the misconduct and the extent of their involvement

(4) Roles of those who were involved in related papers and research activities

(5) Other matters as necessary

2 The investigative committee will investigate using the following methods.

(1) Examination of materials such as papers, experimental and observational notes and raw data related to the relevant research activities and related research activities

- (2) Interviews of related persons
- (3) Other methods as necessary

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

(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 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 other forms of impropriety aside from misconduct, the Chief Administrator may, as necessary, cooperate or conduct a joint investigation with another internal investigative committee.

(Results of Investigation)

Article 17 In verifying whether or not misconduct occurred, the investigative committee will make a scientific and comprehensive conclusion based on objective facts.

2 When finding that the defendant has committed misconduct 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 18 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 19 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 20 The Chief Administrator, having received an objection as in Article 19 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 21 The Chief Administrator, through the procedures in Articles 18 - 20, will verify the results of the investigation.

(Reports to Granting Agencies)

Article 22 When the Chief Administrator has decided to conduct an investigation and the relevant research activities are being conducted with the following types of funding, the Chief Administrator will promptly notify the public institution (hereinafter, "granting agency") granting the relevant funds, 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").

(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 semigovernmental corporation

2 During the investigation, when misconduct 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.

- (1) Results of the investigation by the investigative committee
- (2) Content of measures this university took in response
- (3) Reasons misconduct occurred and plans for preventing reoccurrence
- (4) 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 granting agency, the Chief Administrator will take any necessary steps to carry out the order or direction.

7 When the Chief Administrator has verified the results of the investigation of 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 who have been verified in the results of an investigation as committing misconduct or making a malicious accusation will be based on the Ritsumeikan Trust Procedural Regulations for Disciplinary Action Against Faculty and Staff.

2 Disciplinary action against students who have been verified in the results of an investigation as committing misconduct or making a malicious accusation will be based on the Ritsumeikan Trust Regulations for Disciplinary Action Against Students.

(Legal Action)

Article 24 When misconduct 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 committing misconduct or making a malicious accusation.

(Release of Results of Investigation)

Article 25 When the Chief Administrator has verified the results of the investigation of misconduct, the Chief Administrator will release 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 this university took 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 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, such as the information including personal information or intellectual property.

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 26 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, action to prohibit research activities 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 two 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.

(Confidentiality)

Article 27 Faculty and staff members involved in the consultation center or investigations 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.

(Release to the Public)

Article 28 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 Officer and Assistant Compliance Officers
- (4) Information related to the consultation and reporting centers
- (5) Other matters the Chief Administrator has deemed necessary

(Guidelines)

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

(Revisions)

Article 30 The President will carry out any revisions to these regulations after deliberation at the University Senate Meeting.

Supplementary Provisions

These regulations shall come into force on May 12, 2015 and will be applied from April 1, 2015.