

Rules for the Prevention of Research Misconduct at Kumamoto University

*The Japanese rules take precedence over these English rules.

Chapter 1 General Provisions

(Purpose)

Article 1. These rules shall stipulate the items required to ensure that those engaged in research activities fulfill social responsibility by preventing misconduct in research activities and treatment of research funding, and that research activities are faithfully and fairly performed at the National University Corporation Kumamoto University (hereinafter referred to as “this university”).

(Definitions)

Article 2. Meanings of the terms used in these rules are listed in the following items and defined respectively.

(1) “Research misconduct” shall be specified as follows.

- A) Fabrication (meaning: making up data or results and recording or reporting them); falsification (meaning: manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record); plagiarism (meaning: the appropriation of another person's ideas, processes, results or words without giving appropriate credit); duplicate submissions (meaning: submitting, as an unpublished paper, essentially the same research paper as one that has already been published or submitted to another journal, etc.); or impropriety of authorship (meaning: failure to attribute authorship of a paper to the qualified authors) which was caused by intentional action or gross negligence.
- B) Disposal, concealment, and dissipation of research data or materials (e.g., materials, specimens, experimental equipment, and the research data or materials required to reproduce the experiment) that would testify to the occurrence of an event specified in the above item A).
- C) Improper actions other than those specified in the above item A) and B), which substantially deviate from the ethics expected of researchers in view of the code of conduct for researchers and social common sense.
- D) The use of research funding for purposes other than originally intended through intentional misconduct or gross negligence, or the use of research funding that violates the rules or conditions approved by funding institutions.

(2) Research Materials: Materials, specimens, or experimental equipment (including

- those required to reproduce the experiment)
- (3) Materials: Documents such as experiment notebooks, data, and images that are made or used in the process of research activities
 - (4) Specimen: Experimental specimens or samples that are made or used in the process of research activities
 - (5) Staff: Executive directors, staff of this university, those who took the title such as emeritus professor, honorary doctorate, affiliate professor, and students.
 - (6) Researchers: Those who are engaged in research activities at this university.
 - (7) Research Funding: All research funds which are financed by competitive research funding, management expense grants, grants, endowments, funds for commissioned research, and revenue from the hospital.
 - (8) Departments: Refers to the departments defined in Article 2, item 1, of the National University Corporation Kumamoto University Guidelines for Handling Internal Rules (enacted on April 1, 2004), the administrative departments (refers to the Audit Office, the Strategic Management Planning Department, and each of the Department; hereinafter the same shall apply), and the University Archives and the Equity, Diversity and Inclusion Office.

(Responsibility)

Article 3. Staff shall comply with the Research Code of Conduct of Kumamoto University, which was approved in the 10th meeting of the education and research council held on February 27, 2015 (herein referred to as “code of conduct”) and endeavor to abide by the code of conduct.

- 2 Researchers must attend training for compliance rules and regulations pertaining to research ethics and activities.
- 3 Researchers shall secure methods of verifying the appropriateness of their research activities and shall execute the following items to enable a third party to verify those activities.
 - (1) Recording the process of the research activities such as experiments and observations in the form of an experimental notebook.
 - (2) Recording a log of experimental procedures and the conditions of data acquisition for experimental verification in the form of an experimental notebook that cannot be modified after the experiment.
 - (3) Keeping the research notebooks properly as the first information record.
 - (4) Properly keeping those research materials which constitute the body of evidence of research results in a form that is traceable and conducive to verification of the

- research after the experiment has ended.
- (5) Maintaining retrievable metadata for use and reference after experiment completion.
- 4 Researchers shall properly keep and manage research materials within specified periods and must disclose those materials when the necessity and appropriateness for disclosure are recognized.

Chapter 2 Organization for the Prevention of Misconduct (Chief Administrative Officer)

Article 4. This university shall assign the president as the chief administrative officer.

- 2 The chief administrative officer shall properly manage research funding to prevent the misconduct of research activities.
- 3 The chief administrative officer shall establish and disseminate the basic policy on the promotion of research ethics and the prevention of research misconduct, and execute these policies.
- 4 The chief administrative officer shall demonstrate leadership so that the vice-chief administrative officer, the chief compliance officer and the chief research ethics education officer can manage research activities accountably.
- 5 The chief administrative officer, when establishing the basic policy referred to in Item 3 herein, shall hear opinions of the Board of Executive Directors and shall exchange opinions with the executive directors, from time to time, about the status of the implementation and effects of such a policy.
- 6 The chief administrative officer must regularly perform activities to disseminate and improve awareness of the prevention of research misconduct, etc. among staff (referred to herein as “awareness-raising activities”).

(Vice-Chief Administrative Officer)

Article 5. This university shall establish the vice-chief administrative office to support the chief administrative officer, and the chief administrative officer shall assign the vice-chief administrative office to the executive vice-president.

- 2 The vice-chief administrative officer, who has substantial authority and assumes responsibility to supervise the prevention of research misconduct for this university, shall execute appropriate measures to prevent research misconduct and promote fair research activities.
- 3 The vice-chief administrative officer shall establish measures for the prevention of research misconduct and the plan for compliance training and awareness-raising

activities based on Item 3 of the preceding Article and shall direct the chief compliance officer and chief research ethics education officer to execute those measures.

(Chief Compliance Officer)

Article 6. This university shall have chief compliance officers in the departments and shall assign them as the directors of the departments (meaning executive vice-president of general affairs, financial affairs and facility affairs in the case of administrative departments).

- 2 The chief compliance officer has authority and assumes responsibility under the supervision of the vice-chief administrative officer to prevent the fraudulent use of research funding in the departments and shall execute the following:
 - (1) Execution of measures for the prevention of fraudulent use of research funding, and report on the status of these measures to the vice-chief administrative officer.
 - (2) Execution of periodic training programs for compliance and the management of attendance.
 - (3) Execution of continual awareness-raising activities.
 - (4) Monitoring the management of the budget for research funding and providing instruction for improvement, if necessary.
- 3 The chief compliance officer can establish a vice-chief compliance office in other departments if he or she determines that a vice-chief compliance officer is required.

(Roles of Auditors)

Article 6-2. Auditors shall confirm, from a university-wide perspective, the status of the development and operation of the organization for the prevention of research misconduct.

- 2 In addition to the matters stipulated in the preceding Item, auditors shall confirm the following:
 - (1) Monitoring by the chief administrative officer and the chief compliance officer of the management of the budget for research funding and the status of reflection on the measures to prevent research misconduct of the audit results by the internal audit office for the management and execution of research funding.
 - (2) The status of executing the measures to prevent research misconduct.
- 3 Auditors shall report the matters confirmed under the provisions of the preceding two (2) Items and state their opinions at the meeting of the board of executive directors on a regular basis.

(Chief Research Ethics Education Officer)

Article 7. This university shall assign the directors of each department as the chief research ethics education officer.

2 The chief research ethics education officer has authority and assumes responsibility under the supervision of the chief compliance officer substantially to prevent research misconduct and to promote research ethics, and shall execute the following items for researchers in his or her department.

- (1) Periodic education on research ethics.
- (2) Establishment of methods for and management of research materials considering the characteristics of the field of research and the circumstances of the departments.
- (3) Education for researchers on the preparation and preservation of research materials.

(Fair Research Promotion Committee)

Article 8. This university shall establish the fair research promotion committee (hereinafter referred to as the “promotion committee”) under the chief administrative officer to prevent research misconduct.

2 The fair research promotion committee is comprised of the following members.

- (1) Vice-chief administrative officer
- (2) Executive vice-president (excluding part-time executive vice-president and above officer)
- (3) Three directors of the departments who are designated by the chief administrative officer
- (4) Director of the Research / Social-Academic Collaboration Department, director of the Research / Education Affairs Department, director of the Life Sciences Administrative Department, director of the university hospital administration office, director of the General Affairs Department, and director of the Financial Affairs Department
- (5) Other persons who are designated by the chief administrative officer

3 Members in the above Item 3 and Item 5 shall be delegated by the president.

4 The term of members in the above Item 2 and Item 5 shall be two years and can be renominated.

5 If a member position becomes vacant, the remainder of the term shall fulfilled by a substitute member.

6 This university shall establish a director of the promotion committee and shall

assign the chief administrative officer as the director.

7 The director shall manage the promotion committee.

8 The promotion committee shall execute the following:

- (1) Research for the cause of the occurrence of research misconduct by researchers, and the planning and promotion of the research misconduct prevention plan
- (2) Formulation of the code of conduct
- (3) Matters on the planning and execution of the training and education of research ethics
- (4) Matters on information gathering and dissemination of domestic and international research ethics
- (5) Investigations of research misconduct by staff
- (6) Other matters required for preventing research misconduct by staff

9 The business and affairs of the promotion committee shall be processed by the Research Advancement Division of the Research / Social-Academic Collaboration Department with the cooperation of the administrative departments.

(Fair Research Promotion Division)

Article 9. This university shall establish the fair research promotion division (hereinafter referred to as “the division”) to support the promotion committee.

2 The division is organized by the following members:

- (1) The director of the Research / Social-Academic Collaboration Department
- (2) Several division heads who are designated by the chairman of the promotion committee
- (3) Other persons who are designated by the chairman of the promotion committee

3 This university shall establish a director of the division and shall assign the director of the Research / Social-Academic Collaboration Department to the director.

(Internal Audit Office)

Article 10. This university shall establish the internal audit office under the chief administrative officer to audit the management and execution of research funding.

2 Business and affairs of the internal audit office shall be processed in the internal audit office.

3 When auditing the management and execution of research funding, the internal audit office shall hear the opinions of certified public accountants or other persons having specialized knowledge about audits.

Chapter 3 Management Activities

(Affidavit)

Article 11. Staff and business partners shall submit an affidavit for the prevention of research misconduct by the items specified in the following.

- (1) Researchers: Attached “Form 1.”
- (2) Staff other than the above (1): Attached “Form 2.”
- (3) Business partners: Attached “Form 3.”

(Retention Period of Research Materials)

Article 12. The Researchers defined in Article 3, Item 4 shall keep research materials from the release of the research paper for the periods specified in the following.

- (1) Materials: ten years
- (2) Specimens and experimental equipment: five years
- 2 The chief research ethics education officer can stipulate the retention period of research materials considering the characteristics of the research activities of each department which are stipulated separately from the above item.

(Treatment of Research Materials at Retirement or Departure of Researchers)

Article 13. The researcher who assumes the responsibility for the management of the research group shall take measures to maintain a back-up or the traceability of the research materials which are required for retention when a researcher in the laboratory retires or departs.

(Establishment of Consultation Counter)

Article 14. This university shall establish the first consultation counter in the division, etc. in charge of departmental research funding in order to respond to inquiries from the both inside and outside of this university.

- 2 This university shall establish a comprehensive consultation counter at the following divisions, etc. in order to respond to inquiries from the first consultation counter and to process business procedures uniformly.
 - (1) Research Advancement Division: Administration of Grants-in-Aid for Scientific Research and arrangement of the matters other than those handled by the divisions listed in the following items.
 - (2) Research-Industry Collaboration Advancement Division: Administration of funds in commissioned and joint research funding

- (3) Finance Affairs Division: Administration of accounting procedures
 - (4) Contract Management Division: Administration of contractual relationships and acceptance inspection
 - (5) Personnel Division: Employment management for limited term employees and employees who have converted to indefinite-term employment
 - (6) Labor Division: Management of the working situation of limited-term employees and employees who have converted to indefinite-term employment
- 3 The consultation counter shall respond to the inquiry defined in Article 14, Item 1 in good faith, and endeavor to support efficient execution of the research activities in this university.

Chapter 4 Receiving of Whistle-Blowing

(Establishment of Whistle-Blowing Counter)

Article 15. This university shall establish the whistle-blowing counter as a reception counter to provide rapid and appropriate responses to accusations or whistle-blowing of research misconduct.

- 2 The reception counter is the whistle-blowing counter prescribed by Item 5 of the rules on the whistle-blower protection in the National University Corporation Kumamoto University (hereinafter referred to as “The Rules for Whistle-Blower Protection” which was enacted on September 25, 2008).

(System for Receiving of Whistle-Blowing)

Article 16. Any person who is suspicious of research misconduct can make the accusation to the whistle-blowing counter by writing, e-mail, telephone or interview.

- 2 Whistle-blowing shall, in general, specify the name of the researcher or the research group which committed the alleged research misconduct, the situation of the misconduct, the content of the misconduct, and a reasonable reason why the whistle-blower judged the event to be research misconduct.
- 3 The managing officer of the whistle-blowing counter (from Item 4 of The Rules for Whistle-Blower Protection) can receive anonymous whistle-blowing, if necessary, upon consultation with the chairman of the fair research promotion committee.
- 4 The person in charge of the whistle-blowing counter shall promptly report on the content of the accusation to the chief administrative officer and the chairman of fair research promotion committee, and the chief administrative officer shall inform the directors of the departments concerned of the content of the accusation.
- 5 The person in charge of the whistle-blowing counter shall inform the accuser of the

acceptance of the accusation. If the accuser cannot confirm whether the accusation is accepted, such as in the case of an anonymous accusation, it is assumed that the accuser has accepted the notification.

- 6 When suspicion of misconduct is pointed out by mass media, such as newspapers, the general research community, or the internet (This is limited to the case that the name of researcher or research group which committed the alleged research misconduct, the situation of the misconduct, the contents of the misconduct, and reasonable reason why the whistle-blower judged the event as research misconduct are specified.), the chairman of the fair research promotion committee shall treat it as anonymous whistle-blowing.
- 7 When a staff member other than the person in charge of the whistle-blowing counter receives the accusation, the staff member must be advised to report the accuser to the whistle-blowing counter.

(Consultation of Whistle-Blowing)

Article 17. Any person under suspicion of research misconduct who has questions about the propriety or procedures of the accusation is entitled to consult with the whistle-blowing counter.

- 2 The person in charge of the whistle-blowing counter shall, if necessary, discuss the consultation of whistle-blowing with the Fair Research Promotion Division.
- 3 The whistle-blowing counter shall confirm to the consuler whether he has the intention of whistle-blowing when the whistle-blowing counter receives consultation without expressing the intention of whistle-blowing and recognizes the appropriate reason why the consuler does not express the intention of whistle-blowing.
- 4 The person in charge of the consultation counter shall report to the chief administrative officer and the chairman of the fair research promotion committee the status of any case in which the contents of the consultation imply the possibility that research misconduct has been committed or is about to take place.
- 5 The chief administrative officer and the chairman of the fair research promotion committee shall confirm the contents of the report in the above item and shall provide warning to the person or persons related when considerable reason is found in the contents of the report.

(Responsibility of Person in charge of Whistle-Blowing Counter)

Article 18. The person in charge of the whistle-blowing counter shall fully endeavor to keep identifiable information about the accuser confidential and to protect the accuser's

identity.

- 2 The person in charge of the whistle-blowing counter shall execute appropriate measures to keep confidential the information provided by the accuser by performing interviews in a private room and ensuring that contents of accusations made by writing, e-mail or telephone do not become known to third parties.
- 3 The above Item 2 shall also be applied to cases of whistle-blowing consultation.

Chapter 5 Treatment of related parties

(Duty of Confidentiality)

Article 19. All parties related to the matters of the accusation shall not reveal confidential information which becomes known in the course of the investigation. This confidentiality shall continue even after duties have ended.

- 2 The chief administrative officer and the chairman of the fair research promotion committee shall strictly protect the confidentiality of the accuser, the contents of the accusation, the contents and the process of the investigation, and shall not leak them without the accuser's consent until the results of the investigation are disclosed.
- 3 The chief administrative officer and the chairman of the fair research promotion committee can explain the contents of the investigation in public with both the accuser's and the accused person's consent during the investigation if the contents of the accusation are made public. Consent from both parties is not required if the leakage of confidential information about the accusation is caused by reasons attributable to the accuser or the accused.
- 4 The chief administrative officer, the chairman of the fair research promotion committee and other related parties shall take reasonable care of human rights, honor and privacy of the accuser, the accused, the investigation cooperators and the related parties when the chief administrative officer, the chairman of the fair research promotion committee or other related parties contact or inform them of matters concerning the accusation.

(Protection of Whistle-Blowing)

Article 20. The directors of the departments shall execute appropriate measures in order that the accuser does not suffer deterioration of work environment or discriminatory treatment by whistle-blowing.

- 2 All staff engaged in this university shall not treat the accuser disadvantageously due to whistle-blowing.
- 3 In case that someone treated the whistle-blower disadvantageously, the president

can discipline him or her in accordance with the rules of employment at Kumamoto University (hereinafter referred to as “The Rules of Employment” which was enacted on April 1, 2004) and related rules.

- 4 The president shall not execute disadvantageous treatment against the accuser who is either employed by the university or is a student of the university due to the accusation unless the whistle-blowing is made maliciously.

(Protection of the Person Accused by Whistle-Blowing)

Article 21. Staff shall not treat the person accused in a whistle-blowing case disadvantageously without an appropriate reason.

- 2 If a staff member of this university treats the person accused in a whistle-blowing case disadvantageously without an appropriate reason, the president can discipline him or her in accordance with the rules of employment and related rules.
- 3 The president shall not execute disadvantageous treatment to an employee or student accused in a whistle-blowing case due to the accusation without an appropriate reason.

(Malicious Whistle-Blowing)

Article 22. No person shall make malicious whistle-blowing, which is whistle-blowing for the purpose of bringing the person accused by the whistle-blowing into an adverse situation, disturbing the research activities of the person accused by the whistle-blowing, giving any disadvantage to the person accused by the whistle-blowing, or giving any disadvantage to the organization of the person accused by the whistle-blowing.

- 2 If it is determined that the whistle-blowing is made maliciously, the chief administrative officer shall execute appropriate measures, such as disclosure of the name of a malicious whistle-blower, disciplinary punishment, or criminal or civil prosecution.
- 3 The chief administrative officer shall inform the relevant research funding institutions and concerned government ministries (hereinafter referred to as “research funding institutions”) of the content of the punishment, if the above punishment is imposed.

Chapter 6 Investigation of the Event

(Execution of Preliminary Investigation)

Article 23. In the case that the whistle-blowing is made based on Article 16 or that the

fair research promotion committee recognizes the necessity of a preliminary investigation, the chairman of fair research promotion committee shall establish preliminary investigation committee and shall promptly execute a preliminary investigation.

- 2 The preliminary investigation committee consists of three members who are designated by the chairman of the fair research promotion committee.
- 3 The preliminary investigation committee, if necessary, can request the respondent of the investigation to submit the necessary materials in order to execute the preliminary investigation or to execute a hearing.
- 4 The preliminary investigation committee can execute measures to preserve the relevant documents forming the evidence of the investigation, research materials, and the relevant materials of the research funding.

(Methods of Preliminary Investigation)

Article 24. The preliminary investigation committee shall execute the preliminary investigation on the following.

- (1) The possibility of the occurrence of research misconduct as informed through whistle-blowing
 - (2) The reasonableness of a scientific appropriate reason as defined by the research misconduct items prescribed in Article 2, Item 1 (A~C) (hereinafter referred to as “Research Activities Misconduct”) (in the case of the whistle-blowing of a duplicate submission or impropriety of authorship as stipulated in Article 2, Item 1 (A), the reasonableness of the contents so disclosed).
 - (3) The reasonableness of the contents disclosed by the whistle-blowing prescribed in Article 2, Item 1 (D) (hereinafter referred to as “Research Funding Misconduct”)
 - (4) The possibility of investigation from the contents of a whistle-blowing case
- 2 In the case that the preliminary inspection is made on a whistle-blowing case for a research paper that was withdrawn before the whistle-blowing case was made, it shall be determined whether the whistle-blowing case should have been investigated as a matter of research activity misconduct including the process and background of the withdrawal.

(Determination of Investigation)

Article 25. The preliminary investigation committee shall report the result of the preliminary investigation to the promotion committee within thirty days from the date

of acceptance of the whistle-blowing case or the date of acceptance of the instruction on the preliminary investigation.

- 2 The promotion committee shall promptly determine whether an investigation should be executed upon consultation and consideration of the results of the preliminary investigation.
- 3 When the execution of an investigation is determined, the promotion committee shall inform the accuser and the accused of the execution of investigation and shall require cooperation for the investigation.
- 4 When the non-execution of an investigation is determined, the promotion committee shall inform the accuser of the reason. The fair research promotion committee shall preserve the materials relevant to the preliminary investigation in order to disclose them to the research funding institutions or to the accuser upon their request.
- 5 When the execution of an investigation is determined, the promotion committee shall inform the research funding institutions of the decision to execute an investigation.

(Establishment of Investigation Committee)

Article 26. The promotion committee shall establish the following investigation committee when the execution of an investigation is determined.

- (1) Research activity investigation committee
- (2) Research funding investigation committee

(Establishment of Research Activity Investigation Committee)

Article 27 A research activity investigation committee shall investigate the misconduct of research activities.

- 2 The research activity investigation committee consists of the following members.
 - (1) The chairman of the promotion committee (or a member of the promotion committee designated by the President if the chairman of the promotion committee has a direct interest with the accuser or the accused)
 - (2) Several promotion committee members without a direct interest with the whistle-blower or the person accused by the whistle-blowing who are designated by the chairman of the promotion committee
 - (3) Several experts without a direct interest with the accuser or the accused who are designated by the chairman of the promotion committee
 - (4) Legal experts outside this university and without a direct interest with the accuser or the accused who are designated by the chairman of the promotion committee

- 3 Half of the above members shall consist of the members of the above Item 3 (which are limited to the experts outside this university) and Item 4.

(Notification of Investigation)

Article 28. The promotion committee shall inform the whistle-blower and the person accused by the whistle-blowing of the name and profession of the members in the investigation committee when the research activity investigation committee is established.

- 2 The accuser and the accused who received the notification prescribed in the above Item 1 can make an objection against the investigation committee by writing within seven days from the date of acceptance of the notification.
- 3 The promotion committee shall examine the contents of the objection in case that the objection in the above Item 2 is made. When the fair research promotion committee determines that the objection is reasonable, the fair research promotion committee shall change the member of the research activity investigation committee concerned with the objection and shall inform the accuser and the accused of the change.

(Execution of Investigation)

Article 29. The research activity investigation committee shall start the investigation within thirty days from the date of determination of the investigation.

- 2 The research activity investigation committee shall promptly inform the accuser and the accused of the execution of investigation and shall require cooperation for the investigation.
- 3 The research activity investigation committee shall execute the investigation through the examination of the research paper pointed out in the accusation, the research materials, the related materials on the research, and through related parties.
- 4 The research activity investigation committee can require the accused to verify the reproducibility of the experiment and other methods. The research activity investigation committee shall ensure the time, opportunity and use of equipment to verify the reproducibility if the accused offers verification and the research activity investigation committee permits the necessity of the experiment.
- 5 The research activity investigation committee shall give the opportunity for rebuttal from the accused.
- 6 The accuser, the accused and the parties related to the whistle-blowing shall

sincerely cooperate with the investigation for appropriate execution of the investigation.

(Scope of Investigation)

Article 30. The scope of this investigation may include the research activity accused and the research activity performed by the accused researcher related to this investigation at the research activity investigation committee's discretion.

(Retention of Evidence)

Article 31. The research activity investigation committee shall take measures to preserve the research materials related to the research activities of the accused which are evidence in the execution of the investigation.

- 2 When the research activities of the accused were performed in a research institute other than this university, the research activity investigation committee shall request that the other research institute preserves the research materials related to the research activities of the accused which are evidence in the investigation.
- 3 The research activity investigation committee must not restrict the research activities executed by the accused except in the measures prescribed in the above Item 2.

(Intermediate Reporting on the Investigation)

Article 32. The research activity investigation committee shall submit intermediate reports of the investigation to the relevant research funding institution upon its request even though the investigation is still continuing.

(Protection of Research and Technology Information during Investigation)

Article 33. The research activity investigation committee shall fully pay attention to the confidentiality of the data which are in the scope of the investigation and have not been disclosed to the public, and of the information on research papers or research technology.

(Suspicion of Research Misconduct Accountability)

Article 34. The accused shall explain, as their own responsibility, that the research activities were executed via the scientific and appropriate methods and procedures, and that research papers were written as appropriate explanations based on scientific evidence if the person accused has the intention to remove suspicion of research misconduct in the investigation of the research activity investigation committee.

- 2 In the above article, if re-experiments are required, the conditions prescribed in the Article 29, Item 4 shall be ensured.

(Establishment of a Research Funding Investigation Committee)

Article 35. The research funding investigation committee shall investigate the misconduct of research funding.

- 2 The research funding investigation committee consists of the following members.
 - (1)The chairman of the promotion committee (or a member of the promotion committee designated by the President if the chairman of the promotion committee has a direct interest with the accuser or the accused)
 - (2)Several promotion committee members without a direct interest with the accuser or the accused who are designated by the chairman of the promotion committee
 - (3)Several experts in this university and without a direct interest with the accuser or the accused who are designated by the chairman of the promotion committee
 - (4)Several experts from outside this university who are without a direct interest with this university, the accuser, or the accused designated by the chairman of the promotion committee
- 3 The research funding investigation committee shall report and discuss the policy, scope and measures of the investigation to the research funding institutions.

(Provisions to be applied mutatis mutandis)

Article 36. The provision of the Article 28 through Article 33 (except for Article 29, Item 4) shall also be applied if a research funding investigation committee is established. In this case, the term “intermediate reports” as used in Article 32 shall be replaced to read “progress reports or intermediate reports.”

Chapter 7 Finding of Misconduct

(Procedures for Determination of Findings)

Article 37. The investigation committee (prescribed in Article 26) shall settle the content of the investigation and find the following matters within 150 days from the beginning day of the investigation.

- (1)The presence of absence of misconduct
- (2)The content and degree of malice of research misconduct
- (3)The persons related to research misconduct and the degree of misconduct
- (4)The research papers of the research recognized as research misconduct and the

role in the research

(5) The degree of fraudulent use of research funding which was recognized as research funding misconduct

(6) Other required matters

- 2 When there is appropriate reason why the recognition is not determined within 150 days, the investigation committee shall notify the chief administrative officer of the reason, and shall get approval to reschedule the finding date.
- 3 Notwithstanding the provisions of Item 1 hereof, a research funding investigation committee detects any fact of research funding misconduct in the course of the investigation, the research funding investigation committee shall settle the content of the investigation on the facts and find the matters specified in items of Item 1 hereof.
- 4 In the absence of research misconduct and the determination that the accusation was made with malicious intent, the investigation committee shall find malicious accusation.
- 5 When the investigation committee finds the malicious accusation as in the preceding Item, the investigation committee shall give the opportunity for rebuttal from the accuser.
- 6 When the findings prescribed in the above Item 1, Item 3, and Item 4 are completed, the investigation committee shall promptly report to the chief administrative officer and the chairman of the fair research promotion committee.

(Methods for finding)

Article 38. The investigation committee shall find the presence or absence of research misconduct as judged from the material evidence, scientific evidence and witnesses obtained by the investigation as well as confession and explanation provided by the accused.

- 2 The investigation committee shall not find the presence of research misconduct based on the confession of the accused person as exclusive evidence.
- 3 The investigation committee can find the presence of research misconduct when the suspicion of research conduct is not clearly removed by the explanation of the accused person and other evidence.
- 4 The investigation committee can also find the presence of research misconduct when the suspicion of research conduct is not clearly removed by the absence of research materials, and other related materials.

(Notification and Report of the Investigation Result)

Article 39. The chief administrative officer shall promptly inform the accuser, the accused, and other parties who were recognized as related to the research misconduct of the result of the investigation (including verdicts, which are applied hereinafter). When the person accused belongs to a research institute other than this university, the chief administrative officer shall inform the related research institute of the investigation results.

- 2 When the investigation on research activities misconduct is completed, in addition to the above notification, the chief administrative officer shall report the results of the investigation to the research funding institutions.
- 3 When the investigation on research activities misconduct (including re-investigations; hereinafter the same shall apply in this Article) is completed, in addition to the notification under Item 1 hereof, the chief administrative officer shall report the results of the investigation and other necessary matters to the relevant research funding institutions within 210 days of the receipt of the accusation.
- 4 If the chief administrative officer believes that it is unlikely to report the results of the investigation and other necessary matters to the relevant research funding institutions by the deadline stipulated in the preceding Item, the chief administrative officer shall submit intermediate reports of the investigation to said institutions by said deadline.
- 5 If the chief administrative officer receives a report of finding under Article 37, Item 3, the chief administrative officer shall report this to the relevant research funding institutions.
- 6 In case that malicious whistle-blowing is recognized and the accused belongs to a research institute other than this university, the chief administrative officer shall inform the related research institute of the findings.

(Appeal)

Article 40. The accused person who is found to have committed research misconduct can appeal to the investigation committee within 14 days from the date of acceptance of the notification. However, the accused person cannot repeatedly appeal based on the same reason even if the appeal is made within 14 days from the date of acceptance of the notification.

- 2 The accused person of a maliciously made whistle-blowing case (including the accused person of a malicious case who was found under the appeal process) can appeal to the investigation committee according to the above Item 1.

- 3 The investigation committee shall execute the examination of the appeal.
- 4 The chairman of the promotion committee shall change the members of the investigation committee or add members to the investigation committee if the chief administrative officer determines that new members having new specialties are required for the investigation. However, this shall not apply in the case where there is a reasonable reason for the change of investigation committee members is recognized.
- 5 The new members prescribed in the above item shall be designated according to Article 27, Item 2 and Item 3, and Article 35, Item 2.
- 6 When the investigation committee determines the rejection of the appeal without re-investigation of the accusation, the investigation committee shall report the reason of the rejection to the chief administrative officer and the fair research promotion committee.
- 7 The chief administrative officer shall inform the appellant of the findings of the appeal, and of rejection of further appeals when the investigation committee determines that the appeal is made with the intention of delaying the investigation or execution of measures pertaining to the finding.
- 8 The investigation committee shall promptly report to the chief administrative officer and the chairman of the fair research promotion committee when it is determined that re-investigation if the appeal is warranted, and the chief administrative officer shall inform the appellant of the determination.
- 9 The chief administrative officer shall inform the accuser of the appeal when the accused person appeals the investigation, the accused person of the appeal when the accuser appeals the investigation, and the relevant research funding institutions of the appeal. The case of the rejection of the appeal or of the determination of re-investigation shall be treated the same as above.

(Re-investigation)

Article 41. When the re-investigation in the above article is determined, the investigation committee shall require the appellant to submit the materials that the appellant can claim for use in the denial of the investigation result and to cooperate with the re-investigation for prompt resolution.

- 2 In the case that the appellant prescribed in the above Item does not cooperate with the re-investigation, the investigation committee can terminate the procedures without the re-investigation. In this case, the investigation committee shall promptly report to the chief administrative officer and to the chairman of fair

research promotion committee, and the chief administrative officer shall inform the appellant of the determination.

- 3 The investigation committee shall determine whether or not the result of the previous investigation has changed within 50 days from the beginning day of the re-investigation if one is performed, and shall inform the chief administrative officer and the chairman of the fair research promotion committee of the results immediately. When there is reasonable reason that the committee cannot determine whether the results have changed from the previous decision within 50 days, the investigation committee shall notify the chief administrative officer of the reason and shall get approval for extension.
- 4 The chief administrative officer, based on the report of the above Item 2, shall promptly inform the accuser, the accused and other parties who were recognized as the parties related to the research misconduct of the results of the re-investigation. When the accused belongs to a research institute other than this university, the chief administrative officer shall inform the other research institute of re-investigation. Notification to the relevant research funding institutions and the concerned government ministries are treated the same as above.

(Cooperation with Investigation by Research Funding Institutions for Research Funding Misconduct Investigation)

Article 42. Upon request of the research funding institutions, the chief administrative officer shall accept the request for submission of or access to the relevant materials or an onsite inspection, except where acceptance of such a request would hinder the investigation or there are other justifiable reasons.

(Disclosure of Result of Investigation)

Article 43. The chief administrative officer shall promptly disclose the results of the investigation when it is found that the research misconduct was committed unless the circumstances are exceptional.

- 2 The contents of the above disclosure shall include the name and section of the researcher involved in the research misconduct, the contents of the research misconduct, the measures that this university took upon the research misconduct until its disclosure, the names and sections of the members of the investigation committee, and the methods and procedures of the investigation.
- 3 Notwithstanding the above provision, the names and sections of the researcher involved in the research misconduct cannot be disclosed when research papers which

were recognized as research misconduct were withdrawn before the whistle-blowing accusation was made.

- 4 When it is found that research misconduct was not committed, the results of the investigation can be undisclosed. However, the results of the investigation shall be disclosed if the matters of investigation were leaked outside or the research paper included an unintentional error.
- 5 The contents of the exceptional disclosure prescribed in the above item shall include the absence of research misconduct, the description of unintentional error in the research paper, the name and section of the accused person and of the members of the investigation committee, and the methods and procedures of the investigation.
- 6 The chief administrative officer shall disclose the name and section of the malicious whistle-blower, the reason why it was determined that the accusation was made maliciously, the names and sections of the members of the investigation committee, and the methods and procedures of the investigation when it was determined that the accusation was made maliciously.

Chapter 8 Measures and Disciplinary Action

(Temporary Measures During Investigation)

Article 44. The chief administrative officer can execute necessary measures, such as suspension of payment for research of the accused for the period between the beginning of the investigation to the acceptance of the results of the investigation.

- 2 The chief administrative officer shall execute measures responding to the request when the research funding institutions request the suspension of payment for research.

(Banning of the Use of Research Funding)

Article 45. The chief administrative officer shall promptly order the person who was found to be involved in research misconduct, who assumed responsibility for the content of research papers which were found to contain research misconduct, and who assumed responsibility for the temporary or total use of research funding (hereinafter referred to as the “found person”) to immediately discontinue the use of research funding.

(Recommendation for the Withdrawal of Research Papers)

Article 46. The chief administrative officer shall recommend the withdrawal, revision, or other measures for research papers which were determined to contain research

misconduct by the found person.

- 2 The found person must declare his intention to the chief administrative officer whether he accept the recommendation within 14 days from the date of acceptance of the above recommendation.
- 3 The chief administrative officer shall disclose the fact if the found person does not accept the recommendation.

(Release of Measures)

Article 47. The chief administrative officer shall release the measures prescribed in Article 44 and Article 45 in the case where research misconduct was not found to have been committed, and shall promptly release the measures prescribed in Article 31 in the case that the appeal periods lapsed without the appeal or examination result for the appeal was determined.

- 2 The chief administrative officer shall execute measures to restore the honor and protect the interests of the found person who was found to not have committed research misconduct.

(Disciplinary Action)

Article 48. When it is found that research misconduct was committed as the result of the investigation, the President shall impose the disciplinary actions on the person or persons involved in the research misconduct based on the rules and regulations which are stipulated separately.

- 2 In addition to the above item, if necessary, the following disciplinary actions shall be imposed.
 - (1) Banning of the use of periodical research funding inside and outside this university (excluding expenses for maintenance of research equipment)
 - (2) Claim for total or a part of the research funding which was already paid
 - (3) Criminal or civil complaint against the person who committed research misconduct
 - (4) Disciplinary action against the directors of the departments who were responsible for the management of the found person.
- 3 The chief administrative officer shall inform the relevant research funding institutions of the content of disciplinary action when the disciplinary action prescribed in the above Item 1 is imposed.

(Corrective Action)

Article 49. The chairman of the promotion committee shall recommend the chief

administrative officer to execute corrective actions, measures to prevent recurrence and other necessary measures for environmental improvement (hereinafter referred to as “corrective actions”) when it is found as the result of the investigation that research misconduct was committed.

- 2 The chief administrative officer, based on the above recommendation, shall order the director of the related departments to execute corrective actions, and, if necessary, shall execute comprehensive corrective actions in this university.
- 3 The chief administrative officer shall inform the research funding institutions and the concerned government ministries of the content of the corrective actions in the prescribed in the above item.

(Response to Matters related to Board Members)

Article 50. If the person in charge of the whistle-blowing counter receives the accusation on the matter that relates to or is suspected to relate to any of the board members of this university, the person shall promptly report this to the auditors and consult with them about how to deal with such a matter and shall report the progress of the investigation and the corrective actions to them.

Chapter 9 Dissemination and Disclosure

(Disclosure)

Article 51. In addition to the items prescribed in the Article 43, the chief administrative officer shall disseminate and disclose the following items to both inside and outside of this university.

- (1) Organization for responsibility for the prevention of research misconduct
- (2) Rules and regulations on research misconduct
- (3) Code of conduct on research activities
- (4) Other matters required for the prevention of research misconduct

Chapter 10 Miscellaneous Provisions

(Miscellaneous Provisions)

Article 52. Other items than those specified in these rules required for the prevention of the research misconduct shall be prescribed separately.

(Supplementary Provisions)

- 1 These rules are put into effect on April 1, 2015.
- 2 The following rules shall be repealed.

- (1) The Rules on the Prevention of Misconduct in the Research Activities at Kumamoto University which was enacted on March 22, 2007
- (2) The Rules on the Management of Competitive Research Funding at Kumamoto University which was enacted on November 1, 2007