

## Rules for the Prevention of Research Misconduct in Kumamoto University

### 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 in the National University Corporation Kumamoto University (hereinafter referred to as “this university”).

#### (Definition)

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 (i.e., creating non-existent data, research results, etc.), falsification (i.e., processing of data, results obtained through research activities, etc. into something that is not authentic by manipulation that alters the research materials or research process) , misappropriation (i.e., misappropriation of another researcher`s ideas, methods of analysis, data, research results, papers, or terminology without the consent of the researcher or proper attribution) , duplicate submission (i.e., submitting a paper that is essentially the same as a paper already published or submitted to another journal, etc.) or inappropriate authorship (i.e., failure of the author of the paper to be properly published) , all of which caused by intentional action or gross negligence.

B) Disposal, concealment, and dissipation of research data or materials (meaning materials, specimens, experimental equipment, and the research data or materials, including those required to reproduce the experiment) for proving the existence of the acts listed 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 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 research funding institutions.

(2) Research materials: materials, specimens, and experimental equipment (including those indispensable for the reproduction of re-experiments, etc.)

(3) Materials: documents such as experiment notebooks, data, and images which are made or used in process of research activities.

(4) Specimen: experimental specimens or samples which are made or used in 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 university hospital.

(8) Department: Refers to undergraduate faculties, graduate schools, the Graduate School of Education, the various institutes, the University Hospital, the Priority Organization for Innovation and Excellence, the Kumamoto Innovative Development Organization, the Global Promotion Organization, the Headquarters for Admissions and Education, the Institute of Metals, the Research and Education Institute for Semiconductors and Informatics, research organization, the Inter-Department Institutes for Education and Research defined in article 9, item 1 of the Code of Kumamoto University (enacted on April 1, 2004), the joint research center for human retrovirus infection, the university library, the health care center of this university and technical division.

(9) Offices of administration bureau: Refers to the internal audit office, the strategic management planning office and each department.

(10) Departments: The departments and offices of the administrative bureau.

(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 (hereinafter 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 which can not 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 which 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 have the chief administrative officer who shall be the president.

2 The chief administrative officer shall correspond to research misconduct related to research activities and properly manage research funding.

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 In formulating the basic policy in above Paragraph 3, the chief administrative officer shall seek the opinions of the board of officers and exchange views with executive directors as appropriate on the implementation status, effectiveness, etc. of the policy.

6 The chief administrative officer shall periodically conduct activities (hereinafter referred to as "awareness-raising activities") to spread awareness of the prevention of research misconduct among staff and to raise their awareness of such matters.

(Vice-Chief Administrative Officer)

Article 5. This university shall have the vice-chief administrative officer to support the chief administrative officer, who shall be the executive vice-president designated by the chief administrative officer.

2 The vice-chief administrative officer 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 formulate a plan for research misconduct prevention measures and compliance education and awareness-raising activities based on the basic policy in Paragraph 3 of the above article, and shall have the chief compliance officer and chief research ethics education office implement said specific measures.

(Chief Compliance Officer)

Article 6. This university shall have the chief compliance officers who shall be the directors of the departments (in the case of the technical division, the director of the technical division. The same shall apply hereinafter.) or the director in charge of general affairs, finance, and facilities in the case of an administrative division.

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) Periodic execution of training programs for compliance and the management of attendance.
- (3) Conduct ongoing 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 if he/she determines that a vice-chief compliance officer is required.

(Role of Auditors)

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

2 In addition to the matters specified in the above paragraph, the auditors shall confirm the following :

(1) Monitoring of the operation and management of research funding by vice-chief administrative officer and chief compliance officer and reflection status of the results of audits of the operation and management of research funding by the internal audit division into measures to prevent research misconduct.

(2) Status of implementation of research misconduct prevention measures

3 The auditors shall report regularly to the board of officer on the matters confirmed in accordance with the above 2 paragraphs and provide their opinions.

(Chief Research Ethics Education Officer)

Article 7. This university shall have the chief research ethics education officers who shall be the directors of the departments.

2 The chief research ethics education officer has authority and assumes responsibility under the supervision of vice-chief administrative 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) Periodical 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 have the fair research promotion committee (hereinafter referred to as the “promotion committee”) under the chief administrative officer to prevent research misconduct.

2 The 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/educational affairs department, director of the life sciences administrative department, director of the university hospital administrative department, director of the general affairs department, 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 Paragraph 2, Item5 shall be two years and can be re-nominated.

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

6 The promotion committee shall have a chairman of that committee who shall be the vice-chief administrative officer.

7 The chairman 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 in research advancement division of research /social-academic collaboration department with

cooperation of the administrative departments.

(Fair Research Promotion Division)

Article 9. This university shall have 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 research /social-academic collaboration department
- (2) Several division managers who are designated by the chairman of the promotion committee
- (3) Other persons who are designated by the chairman of the promotion committee

3 The division shall have a director of the division who shall be the director of the research/social-academic collaboration department.

(Internal Audit Office)

Article 10. This university shall have 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 In auditing the operation and management of research funding, the internal audit office shall seek the opinions of certified public accountants and other persons with expertise in auditing.

### Chapter 3 Management Activities

(Pledge)

Article 11. Staff and business partners shall submit a pledge for the prevention of research misconduct as specified in each of the following items.

- (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 period during which researchers must retain and manage research materials in Article3, Paragraph 4 is the following the period during as a rule from the release of the research paper.

- (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 paragraph.

(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 have the first consultation counter in the divisions in charge of departmental research funding in order to respond to inquiries from the both inside and outside of this university regarding administrative procedures and usage rules (hereinafter referred to as “administrative procedures, etc.”) related to research funding at this university.

2 This university shall have a comprehensive consultation counter at the following divisions in order to respond to inquiries from the first consultation counter and to process administrative 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) Financial Affairs Division: Administration of accounting procedures

(4) Contract Management Division: Administration of contractual relationships and acceptance inspection

(5) Personnel Division: Employment management for limited and unlimited term employees

(6) Labor Division: Work status management for limited and unlimited employees

3 The consultation counter shall respond to the inquiry defined in the above Paragraph 1 in good faith, and endeavor to support efficient execution of the research activities in this university.

#### Chapter 4 Receiving of Accusation

(Establishment of Whistle-Blowing Counter)

Article 15. This university shall have 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 article 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 Accusation)

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 The accusation 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 accuser judged the event to be research misconduct.

3 The managing officer of the whistle-blowing counter (from Article 4 of The Rules for Whistle-Blower Protection) can receive anonymous accusation, if necessary, upon consultation with the chairman of the 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 the 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 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 the in the case of an accusation by post except for an anonymous accusation.

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 accuser judged the event as research misconduct are specified.), the chairman of the promotion committee shall treat it as anonymous accusation.

7 When a staff other than the person in charge of the whistle-blowing counter receives an accusation, he/she shall advise the accuser to report the matter to the whistle-blowing counter.  
(Consultation of Accusation)

Article 17. Any person who suspect research misconduct and 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 accusation with the division.

3 When the person in charge of the whistle-blowing counter receives a consultation in which the intention to file a complaint is not clearly indicated, the person in charge of whistle-blowing counter shall confirm to the consalter whether he/she has the intention of accusation if the person in charge of the whistle-blowing counter finds that there is a reasonable cause after reviewing the contents of the consultation.



4 The person in charge of the whistle-blowing counter shall report to the chief administrative officer and the chairman of the 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 promotion committee shall confirm the contents of the report in the above paragraph 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 When accepting the accusation, the person in charge of the whistle-blowing counter shall do so in an appropriate measures, such as by conducting in a private room by interview, or by taking measures to ensure that others cannot simultaneously or subsequently observe the contents of the accusation in writing, by e-mail, or by telephone.

3 The above 2 paragraphs shall also be applied to cases of accusation 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 promotion committee shall strictly protect the confidentiality of the accuser and the accused person, the contents of the accusation, the contents and the process of the investigation, and shall not leak them without the accuser's and the accused person's consent until the results of the investigation are disclosed.

3 The chief administrative officer and the chairman of the 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 is leaked. 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 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 Accuser)

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 accusation.

2 All staff engaged in this university shall not treat the accuser disadvantageously because he/she has made the accusation.

3 In case that someone treated the accuser disadvantageously, the president can discipline that person in accordance with the rules of employment in the 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 in terms of employment or study simply because he/she has made the accusation unless the accusation is found to be based on malicious intent.

(Protection of the Accused)

Article 21. Staff shall not treat the accused disadvantageously without an appropriate reason simply because the accusation was made.

2 If a staff member of this university treats the accused disadvantageously without an appropriate reason, the president can discipline him/her in accordance with the rules of employment and related rules.

3 The president shall not treat the accused disadvantageously in terms of employment or study without an appropriate reason simply because the accusation was made.

(Malicious Accusation)

Article 22. No person shall make malicious accusation, (i.e., an accusation that is intended to cause disadvantage to the accused exclusively, such as to entrap him/her or to interfere with accused’s research, or to cause disadvantage to the organization to which the accused belongs.)

2 If it is determined that the accusation is made maliciously, the chief administrative officer shall execute appropriate measures such as disclosure of the name of a malicious accuser, disciplinary punishment, or criminal prosecution etc.

3 The chief administrative officer shall inform research funding institutions and concerned government ministries of the content of the punishment (hereinafter referred to as ”research funding institutions, etc.”) , if the above punishment is imposed.

## Chapter 6 Investigation of the Event

(Execution of Preliminary Investigation)

Article 23. In the case that the accusation is made based on Article 16 or that the promotion committee recognizes the necessity of a preliminary investigation, the chairman of that 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 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 and can execute a hearing with the person involved.

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 the accused research misconduct

(2) The reasonableness of a scientific appropriate reason, in the case of the accusation related the research misconduct items prescribed in Article 2, Item 1 (A~C) (hereinafter referred to as "Research Activities Misconduct") ( The reasonableness of the content indicated, in the case of the accusation related duplicate submission or inappropriate authorship prescribed in Article 2,Item 1 (A) )

(3) The reasonableness of the contents, in the case of the accusation prescribed in Article 2, Item 1 (D) (hereinafter referred to as "Research Funding Misconduct")

(4) Investigative potential of the contents of accusation in this investigation

2 In the case that the preliminary inspection is made on an accusation for a research paper which was withdrawn before the accusation was made, it shall be determined whether the accusation 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 30 days from the date of acceptance of the accusation 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 promotion committee shall preserve the materials relevant to the preliminary investigation in order to disclose them to research funding institutions, etc. 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, etc. of the decision to execution 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 (A member of the promotion committee designated by the president, in case the chairman has a direct interest in the accuser or the accused)

(2) Several commissioners designated from the members of the promotion committee by the chairman of that committee who have no direct interest in the accuser or the accused

(3) Several experts designated by the chairman of the promotion committee who have no direct interest in the accuser or the accused

(4) Legal experts outside this university designated by the chairman of the promotion committee who have no direct interest in the accuser or the accused

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 accuser and the accused 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 paragraph can make an objection against the investigation committee about the member 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 paragraph is made. When the promotion committee determines that

the objection is reasonable, that 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 30 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 the hearing with related parties.

4 The research activity investigation committee can require the accused to verify the reproducibility by the re-experiment and other methods. That committee shall ensure the time, opportunity and use of equipment to verify the reproducibility if the accused offers re-experiment and that 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 accusation 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 2 paragraphs.

(Intermediate Reporting on the Investigation)

Article 32. The research activity investigation committee shall submit intermediate reports of the investigation to the research funding institutions, etc. which delivered the budget for

the research activities of the accused 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 take care the confidentiality to prevent leakage outside the scope necessary for the conduct of the investigation, such as the data which are subject of an investigation and have not been disclosed to the public, and of the information on research papers and 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 paragraph, if re-experiments are required, the conditions prescribed in the Article 29, Paragraph 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 (A member of the promotion committee designated by the president, in case the chairman has a direct interest in the accuser or the accused)

(2) Several commissioners designated from the members of the promotion committee by the chairman of the promotion committee who have no direct interest in the accuser or the accused

(3) Several experts inside designated by the chairman of the promotion committee who have no direct interest in the accuser or the accused

(4) Experts outside this university designated by the chairman of the promotion committee who have no direct interest in the accuser or the accused

3 The research funding investigation committee shall report and discuss the policy, scope and measures of the investigation to the research funding institutions, etc.

(Provisions to be applied mutatis mutandis)

Article 36. The provisions of Articles 28 through 33(excluding Article 29, Paragraph 4) shall also be applied if a research funding investigation committee is established. In this case, "intermediate reports of the investigation" in Article 32 shall be read as "progress reports of the investigation or intermediate reports of the investigation"

## Chapter 7 Finding of Misconduct

### (Procedures for Determination of Findings)

Article 37. The investigation committee (prescribed in Article 26. The same shall apply hereinafter.) 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 or 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 role of each author of the research papers and the said research that have been determined as research activity misconduct
- (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 in the above Paragraph 1, if any part of the facts research funding misconduct is confirmed in the course of the investigation, the research funding investigation committee shall promptly summarize its investigation of such facts and certify the matters listed in each item of same paragraph.

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 determines the malicious accusation as in the above paragraph, the investigation committee shall give the opportunity for rebuttal from the accuser.

6 When the findings prescribed in the above Paragraph 1 , Paragraph 3 and Paragraph4 are completed, the investigation committee shall promptly report to the chief administrative officer and the chairman of the 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 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 and

other evidences.

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 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 In addition to the above notification, the chief administrative officer shall report the results of the investigation to the research funding institutions, etc. involved in the case when the main investigation into research activities misconduct is completed.

3 In addition to the notification in Paragraph 1, the chief administrative officer shall report the results of the investigation and other necessary matters to the research funding institutions, etc. involved in the case within 210 days from the date of acceptance of the accusation when the main investigation (including re-investigation; hereinafter the same shall apply in this Article) into research funding misconduct is completed.

4 If the chief administrative officer finds that the results of the investigation and necessary matters are not likely to be reported to the research funding institutions, etc. involved in the case by the deadline in the above paragraph, the chief administrative officer shall submit intermediate reports of the investigation to that institutions by the said deadline.

5 Upon receipt of a report of certification under Article 37, Paragraph 3, the chief administrative officer shall report the case to the research funding institutions, etc. involved in the case.

6 In case that malicious accusation is certified 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 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 can not 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 accuser whose accusation is certified as malicious (including the case that was certified as with the malicious accusation at the stage of an appeal by the accused) can appeal to the investigation committee according to the above paragraph.



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 or have another person examine the matter instead of the investigation committee if it is necessary that new members having new specialties are required for the investigation. However, this shall not apply in the case where there is not a reasonable reason for the change of investigation committee members is recognized.

5 The new members prescribed in the above paragraph shall be designated according to Article 27, Paragraph 2 and Paragraph 3, and Article 35, Paragraph 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 promotion committee.

7 The chief administrative officer shall inform the appellant of that determination, together with a notification that no further appeals will be accepted if the investigation committee determines that the main purpose of the appeal is to delay 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 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 when an appeal is lodged by the accused, the accused when an appeal is lodged by the accuser, and in addition shall inform the research funding institutions, etc. involved in the case. In this case, the same shall apply when the determination of the rejection of the appeal or to initiate a re-investigation is made.

(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 shall require him/her to cooperate with the re-investigation for prompt resolution.

2 In the case that the appellant does not cooperate with the re-investigation prescribed in the above paragraph, 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 the 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 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 2Paragraphs, 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 research funding institutions, etc. are treated the same as above.

(Cooperation with Investigations by Research funding institutions, etc. related to Investigations of Research Funding Misconduct)

Article 42. When requested by research funding institutions, etc., the chief administrative officer shall submit or inspect materials pertaining to the case, or respond to an on-site investigation, except when there is a justifiable reason, such as an impediment to the investigation.

(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 paragraph 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 of the above paragraph, the names and sections of the researcher involved in the research misconduct may not be disclosed when research papers which were recognized as research misconduct were withdrawn before the 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 paragraph shall include the absence of research misconduct, the description of unintentional error in the research

paper, the name and section of the accused and of the members of the investigation committee, and the methods and procedures of the investigation.

6 In case of a finding that a malicious accusation has been made, the chief administrative officer shall disclose the reasons for the finding, the names and sections of the accuser and the members of the investigation committee, and the methods and procedures of the investigation.

## Chapter 8 Measures and Disciplinary Action

### (Temporary Measures During Investigation)

Article 44. The chief administrative officer can execute necessary measures against the accused, such as temporarily suspension of the accused research funding 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, etc. 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, 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 found person to withdraw, revise, or other measures for research papers which were determined to contain research misconduct.

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 in the above Paragraph1.

### (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 after the appeal periods lapsed without the appeal or after the examination result for the appeal was determined.

2 The chief administrative officer shall execute measures to restore the honor of the person who are found not to have committed research misconduct and to ensure that he/she is not

disadvantaged.

(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 paragraph, if necessary, the following disciplinary actions shall be imposed.

(1) Banning of the use of the research funding inside and outside this university for a specified period of time (excluding expenses for maintenance of research equipment)

(2) Claim for return of 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 to which the person who committed research misconduct belongs when the directors of the departments are found to be responsible for the management of the research misconduct.

3 The chief administrative officer shall inform the research funding institutions, etc. of the content of disciplinary action when the disciplinary action prescribed in the above paragraph 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”) if 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, etc. of the content of the corrective actions in the prescribed in the above paragraph.

(Responding to cases involving executive directors)

Article 50. The person in charge of the whistle-blowing counter shall promptly report the case to the Auditors, discuss how to handle the case, and report the progress of the investigation and corrective actions, when the person in charge of the whistle-blowing counter receives a case that involves or is suspected to involve executive directors of this university.

(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 the prevention 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 this 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