

# ○ Regulations for Preventing and Responding to Misconduct in Research Activity

Regulation 1193

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## Section 1. General Provisions

### Purpose

**Article 1.** The purpose of these Regulations is to stipulate necessary matters concerning ways to prevent misconduct in research activities in Hosei University (hereinafter, the “University”) and respond properly when such misconduct occurs.

### Definitions

**Article 2.** Terms used in these Regulations shall have the following meanings:

(1) Misconduct in research activities

1) Fabrication, falsification, or plagiarism, either willfully or due to gross neglect of the basic duty of care expected of a researcher

a. Fabrication: fabricating data, results of research, etc.

b. Falsification: tampering with research materials and instruments and altering research processes to obtain false data or results from research activities

c. Plagiarism: using the ideas, analysis, analytical methods, data, research results, papers, or terminology of other researchers without obtaining the permission of the researchers or properly indicating the source

2) Inappropriate conduct in research activities, such as double submission of papers (submission of essentially the same paper as a paper already published or under submission to another journal, etc.) and inappropriate authorship (failure to properly disclose the author of the paper), which are considered as deviating excessively from researcher ethics in light of researcher codes of conduct and social norms

(2) Head Administrative Officer

As per Article 4 of the Hosei University Guidelines for Preventing Misconduct Relating to Public Research Funds, Etc.

(3) Researcher(s), etc.

As per Article 2 of the Hosei University Research Ethics Regulations

(4) Departments

“Departments” as used in these Regulations shall mean the faculties, graduate schools, professional graduate schools, and research institutions as specified in the School Organization Chart.

(5) Head of each department

“Head of each department” as used in these Regulations shall mean the head of each department referred to in the preceding item, Dean of the Graduate School, Dean of the Professional Graduate School, and director of each research institution.

### Responsibilities of Researchers, Etc.

**Article 3.** As per Article 3 of the Hosei University Research Ethics Regulations

## Section 2. Prevention of Misconduct

### Research Ethics Education Officer

**Article 4.**

1. The Executive Trustee, Vice President in charge of the Educational Support Bureau shall serve as the Research Ethics Education Officer, and as the person having the authority and responsibility for supervising the enhancement of research ethics and prevention of misconduct throughout the University, shall take appropriate measures to promote proper research activities.

2. The Research Ethics Education Officer shall receive Research Ethics Education Reports as defined in Article 5, Paragraph 2 hereof (hereinafter, “Education Report(s)”) and report the results to the Head Administrative Officer.

### Responsibilities of Head of Each Department

**Article 5.**

1. The head of each department is responsible for the enhancement of research ethics and prevention of misconduct in his/her department and take appropriate measures to promote proper research activities.
2. The head of each department shall provide education on researcher ethics periodically to researchers, etc. who belong to his/her department and shall report the status of implementation to the Research Ethics Education Officer. In addition, when researchers, etc. affiliated with the department have attended research ethics education at other research institutions, the status of implementation may be included in the report.
3. With the aim of enhancing researcher ethics and disseminating the necessary knowledge among researchers, the research ethics education provided under the preceding paragraph shall contain topics listed in the following Items (1) to (7):
  - (1) Basic responsibility of researchers
  - (2) Attitudes toward research activities (including the code of conduct)
  - (3) Creation of recording media of research data such as experiment/observation notes (including creation methods)
  - (4) Storage of research data, experiment samples, reagents, etc.
  - (5) Division and clarification of responsibilities among researchers for the creation of papers
  - (6) Conflicts of interest and confidentiality
  - (7) Other knowledge and skills required to observe proper behavior in research activities

#### Establishment of Research Ethics Committee

**Article 6.** The Committee for the Prevention of Misconduct by Researchers, etc. established by the University shall be governed by the "Hosei University Research Ethics Committee Regulations.

#### Duties of Research Ethics Committee

**Article 7.** The duties of the Research Ethics Committee shall be as per Article 2, Paragraph 3 of the Hosei University Research Ethics Committee Regulations.

### **Section 3. Receipt of Whistleblowing Reports**

#### Contact Points for Receiving Whistleblowing Reports

##### **Article 8.**

1. To enable swift and proper response to whistleblowing reports and consultation, the Audit Office and a lawyer designated by the President (hereinafter, "Lawyer") shall act as the contact points for receiving such whistleblowing reports, and the Head of the Audit Office shall serve as the supervisor of the contact points. Provided, however, that one of the Auditors shall be the responsible person for the complaint of misconduct in research activities by Executive Trustees. In this case, the responsible Auditor shall be elected by the Auditors from among themselves.
2. Upon receiving a whistleblowing report, the Lawyer shall report the content of the report to the Audit Office.

#### Receipt of and Reaction to Whistleblowing Reports

##### **Article 9.**

1. Anyone having a concern or suspicion about possible misconduct in research may report such concern or suspicion to either of the contact points in writing, via facsimile, electronic mail, or telephone, or in person.
2. Whistleblowers must, in principle, provide their name when reporting. They shall report the name of the researcher, research group, or others who they suspect of having committed misconduct and the content of the alleged misconduct and other details, while clarifying reasonable grounds to believe that the misconduct occurred.
3. The contact person will also accept anonymous whistleblowing reports.
4. Upon receipt of a whistleblowing report or upon notification from the Lawyer that a whistleblowing report has been received, the Audit Office shall promptly notify to that effect the Head Administrative Officer and the chairperson of the Research Ethics Committee. The Head Administrative Officer shall notify the content of the concern to the head of department(s) concerned with the alleged misconduct.
5. When a whistleblowing report is accepted, the Audit Office shall promptly notify the whistleblower to that effect in writing. As for a whistleblowing report received by the Lawyer, the Lawyer shall promptly notify the whistleblower in writing that the report has been received. Provided, however, that if the accusation is made anonymously, it may not be possible to give such notice to the whistleblower or any other notice provided for in these Regulations.
6. In the case where alleged occurrence of misconduct in the University is reported by a newspaper or other publication, through the researcher community, on the Internet, or via other media, the chairperson of the Research Ethics Committee may handle the case in the same way as that for an anonymous whistleblowing report, provided, however, that this applies only when the name of the researcher, research group, or others who

are suspected of having committed misconduct, the content of alleged misconduct and other details, and reasonable grounds to believe that the misconduct occurred are clarified by such report.

#### Consultation Regarding Whistleblowing Reports

##### **Article 10.**

1. Anyone who has a concern or suspicion about possible misconduct in research and has questions about the right or wrong of the whistleblowing, the procedures to be followed, or the disadvantageous treatment of the whistleblower may consult with the contact point.
2. In the case where the consulter does not expressly indicate his/her intention to officially report his/her concern during consultation, the Audit Office or the Lawyer, as the case may be, shall confirm his/her intention when it is determined, upon review of the content of the concern, that there are reasonable grounds to believe it.
3. In the case where consultation is sought concerning misconduct in research which is likely to occur in the near future or which the consulter is pressed by someone else to commit, the Audit Office shall report it to the Head Administrative Officer and the chairperson of the Research Ethics Committee.
4. In the case of the preceding paragraph, the Head Administrative Officer and the chairperson of the Research Ethics Committee shall, when it is determined, upon review of the content of the concern, that there are reasonable grounds to believe it, give a warning to a person(s) involved in the matter.

#### Obligations of Contact Points

##### **Article 11.**

1. Upon receiving whistleblowing reports, the personnel at the contact points shall ensure to fully observe confidentiality obligations with regard to the identity of the whistleblower or otherwise protect the whistleblower.
2. When receiving whistleblowing reports, the staff at the Audit Office or the Lawyer, as the case may be, shall meet the whistleblower in a private room if visited by the whistleblower in person, or take appropriate measures to prevent others from accessing the content of the report while or after receiving the report in writing, via facsimile or electronic mail, over the phone, or through other means or otherwise protect the confidentiality of the concern.
3. The requirements set forth in the preceding two paragraphs shall apply mutatis mutandis to consultation regarding suspected misconduct.

#### Definition of Employees

##### **Article 12.**

1. The Chairperson of the Research Ethics Committee shall appoint a person who is engaged in receiving, investigating, and taking corrective actions in whole or in part (hereinafter referred to as "Whistleblower Response Services") for a case that falls under internal whistleblowing as defined in the Whistleblower Protection Act among the whistleblowing provided for in this regulation, and who is to be informed of the matters that identify the Whistleblower with respect to such Whistleblower Response Services. The person who is engaged in all or a part of the work of receiving, investigating and correcting cases of internal whistleblowing as defined in the Whistleblower Protection Act (hereinafter referred to as "Whistleblower Response Work") and who is informed of the matters that identify the whistleblower in relation to such work is designated as a person engaged in Whistleblower Response Work (hereinafter referred to as "Worker") as defined in Article 11, paragraph 1 of the said Act.
2. When the chairperson of the Research Ethics Committee designates an employee in accordance with the preceding paragraph, he/she shall notify the relevant employee to that effect in writing or otherwise, and shall also notify him/her of his/her responsibilities regarding confidentiality and any other necessary matters.

#### Elimination of Conflicts of Interests

**Article 13.** The Chairperson of the Research Ethics Committee shall not allow any person who may hinder the fairness of the Whistleblower Response Service, or any other person who is related to the accused case, to be involved in the Whistleblower Response Service.

### **Section 4. Protection of Whistleblowers and Accused Researchers, Etc.**

#### Obligation of Confidentiality of Persons Involved in Investigations, etc.

##### **Article 14.**

1. All people performing their duties under these Regulations (hereinafter referred to as the "persons concerned") shall not disclose any secret information including information that identifies the whistleblower that comes to their knowledge in the course of the performance of their duties. This requirement shall apply even after their employment with the University is terminated or after resignation from the Board.

2. The Head Administrative Officer and the chairperson of the Research Ethics Committee shall ensure to keep confidential the identity of the whistleblower and the accused researcher, etc., the content of the whistleblowing report, and the details and progress of investigation so that such secret information will not be divulged outside of the University against the will of the whistleblower and the accused researcher, etc. until the results of investigation are published.
3. In the case where information regarding a whistleblowing report is divulged outside of the University, the Head Administrative Officer and the chairperson of the Research Ethics Committee may, upon approval from the whistleblower and the accused researcher, etc. explain publicly the case under investigation. Notwithstanding the foregoing, if such divulgence is attributable to the fault of the whistleblower or the accused researcher, etc., approval from the whistleblower or the accused researcher, etc. responsible for the divulgence shall not be necessary.
4. The Head Administrative Officer, the chairperson of the Research Ethics Committee, and others who need to send notice to or otherwise communicate with the whistleblower, accused researcher, etc. investigation cooperators (hereinafter collectively referred to as “Whistleblowers, etc.”), and other persons concerned shall be careful not to infringe their secrets, credit, honor, and privacy of the Whistleblowers, etc. and the persons concerned.

Obligation of Confidentiality of the Whistleblowers, etc.

**Article 15.** The Whistleblowers, etc. shall not disclose to any third party without justifiable reason the results of the investigation notified by the University, the facts of the investigation, the content of the questions asked and answered, or any other information obtained through the investigation.

Prohibition of Obstruction of Accusation and Investigation

**Article 16.** Board members, faculty members, and the Whistleblowers, etc. shall not do any of the following

- (1) Any action to damage, conceal, or falsify evidence related to the content of the whistleblowing, pressure, backbiting, or any other act that hinders the investigation.
- (2) Any action that prevents a person from attempting to whistleblowing the incident to the Reporting Desk
- (3) Attempting to identify the whistleblower or the cooperators of investigation without justifiable reason

Response to Violations of Nondisclosure Obligations, etc.

**Article 17.** In the event that a violation of Articles 14 through 16 is found, the University may require the offender to cease his/her conduct or, to the extent possible, to retroactively eliminate it, and may impose disciplinary action against him/her in accordance with the employment regulations and other relevant regulations.

Protection of Whistleblowers

**Article 18.**

1. The head of each department shall take appropriate measures to prevent the work environment from becoming hostile to the whistleblower and/or the whistleblower from being discriminated against simply for reason of his/her act of whistleblowing.
2. None of the personnel belonging to the University shall treat the whistleblower in a disadvantageous manner simply by reason of his/her act of whistleblowing.
3. The Head Administrative Officer may terminate such treatment or, to the extent possible, make it retroactive, and may punish anyone who has treated the whistleblower in a disadvantageous manner in accordance with the labor regulations and other applicable regulations.
4. The Head Administrative Officer shall not take any disadvantageous measures against the whistleblower such as dismissal, job transfer, disciplinary action, demotion, pay cut, or claim for damages simply for reason of his/her act of whistleblowing, unless the misconduct allegation made by the whistleblower is found to be false and malicious.

Protection of Accused Researchers, Etc.

**Article 19.**

1. None of the personnel belonging to the University shall treat the accused researcher, etc. in a disadvantageous manner without reasonable grounds, simply for reason that he/she has been accused by the whistleblower.
2. The Head Administrative Officer may punish anyone who has treated the accused researcher, etc. in a disadvantageous manner without reasonable grounds in accordance with the labor regulations and other applicable regulations.
3. The Head Administrative Officer shall not take any disadvantageous measures against the accused researcher, etc. such as suspension of all of his/her research activities, dismissal, job transfer, disciplinary action, demotion, or pay cut simply for reason that he/she has been accused by the whistleblower.

## Malicious Whistleblowing

### **Article 20.**

1. Malicious whistleblowing is strictly prohibited. "Malicious" whistleblowing as referred to in these Regulations shall mean whistleblowing intended to lead a particular researcher, etc. into difficulties, disturb the research of the researcher, etc. or otherwise disadvantage the researcher, etc. or the organization to which the researcher belongs.
2. In the case where the misconduct allegation made by a particular whistleblower is found to be malicious, the Head Administrative Officer may publish the name of the whistleblower, take disciplinary action, file criminal charges, and/or implement any other necessary measures.
3. In the case where a measure(s) has been taken against the whistleblower pursuant to the preceding paragraph, the Head Administrative Officer shall notify the details of the measure(s) taken to the relevant fund-distributing agency and government agencies.

## **Section 5. Investigation**

### Investigation of Misconduct in Research Activities

**Article 21.** The investigations into misconduct in research activities stipulated in this regulation shall consist of a preliminary investigation, a formal investigation, and a reinvestigation.

### Person Responsible for the Investigation

**Article 22.** The person responsible for the investigation under the preceding Article shall be the chairperson of the Research Ethics Committee.

### Implementation of Preliminary Investigation

#### **Article 23.**

1. In cases where a whistleblowing report is received under Article 9 or where the chairperson of the Research Ethics Committee determines the need to implement preliminary investigation for other reason, the chair shall establish a Preliminary Investigation Committee, which shall then start preliminary investigation promptly.
2. The Preliminary Investigation Committee shall consist of three members who are decided through discussion by the Research Ethics Committee and appointed by its chair.
3. The Preliminary Investigation Committee may request the researcher, etc. subject to preliminary investigation to submit related materials and other documents necessary for preliminary investigation and/or conduct interviews with concerned persons.
4. The Preliminary Investigation Committee may take measures for the preservation of related materials, research notes, experiment data, and others that may be used as evidence in the formal investigation.
5. The Audit Office shall undertake administrative work for the Preliminary Investigation Committee.

### Method of Preliminary Investigation

#### **Article 24.**

1. The Preliminary Investigation Committee shall conduct preliminary investigation with regard to the possibility that the alleged misconduct was committed, the logic of the scientific reason provided by the whistleblower, the feasibility of formal investigation of the details of the case, and other matters deemed necessary.
2. In the case of preliminary investigation of a whistleblowing report about a paper or other publication which had already been withdrawn before the concern was raised by the whistleblower, the Preliminary Investigation Committee shall investigate the circumstances leading to the withdrawal, among other matters, and determine whether or not the case requires further investigation as research misconduct.

### Decision to Implement Formal Investigation

#### **Article 25.**

1. The Preliminary Investigation Committee shall report the results of preliminary investigation to the Research Ethics Committee within thirty (30) days after and including the date on which the whistleblowing report is received or preliminary investigation is requested by the chairperson of the Research Ethics Committee.
2. Upon receiving the results of preliminary investigation, the Research Ethics Committee shall promptly discuss and decide whether or not to initiate formal investigation.
3. When deciding to implement formal investigation under the preceding paragraph, the Research Ethics Committee shall notify the decision to the whistleblower and the accused researcher, etc. and shall also notify them of the obligation of confidentiality stipulated in Article 15 and the prohibited matters stipulated in Article 16.
4. When deciding not to implement formal investigation under Paragraph 2 hereof, the Research Ethics Committee shall notify the decision and reason for the decision to the whistleblower. In this case, the Research

Ethics Committee shall keep documents and other materials related to preliminary investigation so that they can be disclosed upon request from the fund-distributing agency or the whistleblower.

5. When deciding to implement formal investigation under Paragraph 2 hereof, the Research Ethics Committee shall also notify the decision to the relevant fund-distributing agency and government agencies.

#### Establishment of Investigation Committee

##### **Article 26.**

1. Upon deciding to implement formal investigation, the Research Ethics Committee shall at the same time establish an Investigation Committee.
2. The chairperson of the Investigation Committee shall be elected by the committee from among its members.
3. A majority of the Investigation Committee members must be external experts who do not belong to the University.
4. The Investigation Committee shall be persons who have no direct interest in the accuser or the accused, shall be made up of:
  - (1) the chairperson of the Research Ethics Committee or a member of the Research Ethics Committee;
  - (2) one expert designated by the chairperson of the Research Ethics Committee after discussion at the Research Ethics Committee;
  - (3) one external expert with legal knowledge; and
  - (4) one or more persons designated by the chairperson of the Research Ethics Committee as necessary.
5. The Audit Office shall undertake administrative work for the Investigation Committee.

#### Notification Regarding Formal Investigation

##### **Article 27**

1. Upon establishing the Investigation Committee, the Research Ethics Committee shall notify the name and affiliation of the members of the Investigation Committee to the whistleblower and the accused researcher, etc.
2. The whistleblower and the accused researcher, etc. may raise an objection in writing to the Research Ethics Committee's designation of any member of the Investigation Committee within seven (7) days after and including the date of receipt of notification under the preceding paragraph.
3. In the case where an objection is raised under the preceding paragraph, the Research Ethics Committee shall examine the content of the objection, and, if the objection is judged as reasonable, the member(s) of the Investigation Committee named in the objection shall be replaced by someone else. The Research Ethics Committee shall then notify the replacement to the whistleblower and the accused researcher, etc.

#### Implementation of Formal Investigation

##### **Article 28.**

1. The Investigation Committee shall start formal investigation within thirty (30) days after and including the date on which the decision is made to implement the formal investigation.
2. The Investigation Committee shall promptly notify the whistleblower and the accused researcher, etc. of the start of formal investigation and ask for their cooperation.
3. Formal investigation conducted by the Investigation Committee shall include thorough examination of papers, experiment/observation notes, raw data, and other materials of the research in which misconduct is suspected as well as interviews with the persons concerned.
4. The Investigation Committee shall provide the accused researcher, etc. with an opportunity for explanation.
5. The Investigation Committee may request the accused researcher, etc. to demonstrate the reproducibility of experiment results through conducting the experiment again and/or other methods. In cases where the accused researcher, etc. offers to conduct the experiment again or otherwise demonstrate its reproducibility and the Investigation Committee recognizes such demonstration as necessary, the committee shall provide the accused researcher, etc. with an opportunity and sufficient time period for such demonstration, grant the use of equipment, and otherwise make it possible for the accused researcher, etc. to perform such demonstration.
6. The whistleblower, the accused researcher, etc. and other persons involved in the whistleblowing case under formal investigation shall actively participate in the investigation for its smooth progress, tell the truth, and otherwise cooperate with the Investigation Committee in good faith.

#### Research Activities Subject to Formal Investigation

- Article 29.** Research activities pertaining to the misconduct allegation made by the whistleblower and other research activities conducted by the accused researcher, etc. which the Investigation Committee determines it necessary to include in formal investigation shall be subject to formal investigation.

#### Preservation of Evidence

##### **Article 30.**

1. The Investigation Committee shall take necessary measures to preserve materials and other documents related to the research activity pertaining to the misconduct allegation made by the whistleblower which may be used as evidence for formal investigation.
2. In the case where the research institution in which the research activity pertaining to the misconduct allegation made by the whistleblower was conducted is outside of the University, the Investigation Committee shall request the institution to take necessary measures to preserve materials and other documents related to the said research activity which may be used as evidence for formal investigation.
3. The Investigation Committee shall not restrict the research activities of the accused researcher, etc. except in cases where such restriction is necessary to take measures for the preservation of evidence under the two preceding paragraphs.

#### Interim Report of Formal Investigation

**Article 31.** The Investigation Committee shall submit an interim report of formal investigation to the fund-distributing agency or other organization which has granted and executed the funding for the research activity pertaining to the misconduct allegation made by the whistleblower upon request from the said agency or other organization.

#### Protection of Research or Technical Information during Investigation

**Article 32.** The Investigation Committee shall handle unpublished data, papers, and other confidential research and technical information regarding the research activity under formal investigation carefully to ensure that such information will not be disclosed outside the scope necessary to implement the investigation.

#### Accountability for Alleged Misconduct

**Article 33.**

1. The accused researcher, etc. who desires to clear himself/herself of the allegation of misconduct in research made against him/her during the Investigation Committee's formal investigation shall do so by explaining and scientifically proving, on his/her own responsibility, that the research was conducted using scientifically proper methods and procedures and that a paper(s) and other publication associated with the research were based on such proper research activity and written using proper expressions.
2. In the case of the preceding paragraph, and when the accused researcher, etc. needs to conduct the experiment again and otherwise prove reproducibility, the Investigation Committee shall allow the accused researcher, etc. to do so as set forth in Article 27, Paragraph 5 hereof.

### Section 6. Finalization of the Results of Formal Investigation

#### Procedure

**Article 34.**

1. The Investigation Committee shall finalize the results of formal investigation within one hundred and fifty (150) days after and including the date of the commencement of the investigation, deciding whether or not misconduct was committed, and clarifying the nature and maliciousness of the misconduct committed; the persons involved in the misconduct and the degree of their involvement; the role each of the authors of a paper(s) and other publication associated with the research in which the misconduct was committed played in the writing of the paper(s) and the research; and other necessary matters.
2. If the Investigation Committee is unable to finalize the results of formal investigation within the period of one hundred and fifty (150) days as stipulated in the preceding paragraph for reasonable reason, the committee shall notify the reason and the planned date of finalization to the Head Administrative Officer for approval.
3. If it is determined that misconduct was not committed and it is found in the course of the investigation that the allegation raised by the whistleblower was false and malicious, the Investigation Committee shall officially recognize—in addition to the non-existence of misconduct—the malicious whistleblowing as part of its finalized results of investigation.
4. Prior to making the official recognition under the preceding paragraph, the Investigation Committee shall provide the whistleblower with an opportunity for explanation.
5. Upon finalizing the results of formal investigation as set forth in Paragraphs 1 and 3 of this article, the Investigation Committee shall report the results to the Head Administrative Officer promptly.

#### Method to Decide Whether or Not Misconduct Was Committed

**Article 35.**

1. The Investigation Committee shall decide whether or not the misconduct alleged by the whistleblower was committed based on a synthetic judgment from explanation from the accused as well as from physical/scientific evidence, testimony, confession from the accused researcher, etc. and/or other evidence acquired in the course of the investigation.

2. The Investigation Committee shall not make the decision based only on confession from the accused researcher, etc.
3. If the accused researcher, etc. fails to clear himself/herself of the allegation of misconduct by his/her explanation and other evidence, the Investigation Committee may conclude that the misconduct was committed. This shall apply to cases where the lack of key evidence which should normally exist, such as raw data, experiment/observation notes, test samples, reagents, relevant documents, and other materials within the prescribed preservation period causes the accused researcher, etc. to be unable to clear himself/herself of the allegation of misconduct.

#### Notification and Reporting of Investigation Results

##### **Article 36.**

1. The Head Administrative Officer shall promptly notify the investigation results and decisions made by the Investigation Committee to the whistleblower, the accused researcher, etc. and any person(s) other than the accused researcher, etc. who is determined to have been involved in the misconduct. In cases where the accused researcher, etc. belongs to an organization other than the University, the Head Administrative Officer shall notify the results and decisions to the organization as well.
2. In addition to the notification under the preceding paragraph, the Head Administrative Officer shall also notify the investigation results to the applicable fund-distributing agency and government agencies.
3. In the case of whistleblowing which is officially recognized as malicious, if the whistleblower belongs to an organization other than the University, the Head Administrative Officer shall notify the organization as well.

#### Objection

##### **Article 37.**

1. The accused researcher, etc. who has been determined as having committed misconduct in research may raise an objection to the Investigation Committee's decision within fourteen (14) days after and including the date on which the accused researcher, etc. is notified of the decision, provided, however, that an objection may be raised only once during the said period if the objection is based on the same grounds.
2. The whistleblower whose whistleblowing has been determined as malicious (including cases in which the whistleblowing is determined as malicious during examination of an objection raised by the accused researcher, etc.) may raise an objection to the Investigation Committee's decision in the same manner as in the preceding Paragraph above.
3. An objection raised under the preceding paragraphs shall be examined by the Investigation Committee. If other expertise than that the current members of the Investigation Committee possess is required for processing the objection, the Head Administrative Officer shall replace a member(s) with or add a new member(s) to the Investigation Committee or have someone else examine the objection on behalf of the Investigation Committee, provided, however, that this shall not apply unless there is a reasonable reason for changing or otherwise affecting the composition of the Investigation Committee.
4. Article 25, Paragraphs 2, 3, and 4 hereof shall apply to the designation of a new member(s) who joins the Investigation Committee pursuant to the preceding paragraph.
5. When deciding to reject the objection without proceeding to reinvestigation, the Investigation Committee shall notify to that effect the Head Administrative Officer promptly. Upon receiving the notification, the Head Administrative Officer shall notify the decision to the whistleblower or the accused researcher, etc. who raised the objection. If the Investigation Committee determines that the main purpose of the objection raised was simply to postpone the final decision on the case and measures against the whistleblower or the accused researcher, etc. that will follow the decision, the Investigation Committee shall also notify the whistleblower or the accused researcher, etc. that the committee shall not accept any further objection thereafter.
6. When deciding to conduct reinvestigation after the examination of the objection, the Investigation Committee shall notify to that effect the Head Administrative Officer promptly. Upon receiving the notification, the Head Administrative Officer shall notify the decision to the whistleblower or the accused researcher, etc. who raised the objection.
7. The Head Administrative Officer shall notify the whistleblower if an objection is raised by the accused researcher, etc. and the accused researcher, etc. if an objection is raised by the whistleblower, while also notifying the applicable fund-distributing agency and government agencies if any objection is raised by the whistleblower or the accused researcher, etc. This shall also apply when the objection is rejected or reinvestigation is decided to be performed.

#### Reinvestigation

##### **Article 38.**

1. If it is decided as the result of the examination of an objection pursuant to the preceding article that reinvestigation will be conducted, the Investigation Committee shall request the whistleblower or the accused



- researcher, etc. who raised the objection to present evidence that he/she believes will reverse the results of the formal investigation and ask for his/her cooperation for reinvestigation and prompt solution of the case.
2. In the case where the whistleblower or the accused researcher, etc. who raised the objection refuses or fails to cooperate with reinvestigation under the preceding paragraph, the Investigation Committee may decide not to conduct reinvestigation. In this case, the Investigation Committee shall notify to that effect the Head Administrative Officer promptly. Upon receiving the notification, the Head Administrative Officer shall notify the objection filer of the decision.
  3. The Investigation Committee shall make a decision as to whether or not to reverse the results of formal investigation within fifty (50) days after and including the date of commencement of reinvestigation and notify the decision to the Head Administrative Officer promptly. If the Investigation Committee is unable to make a decision as to whether or not to reverse the results of formal investigation within the period of fifty (50) days for reasonable reason, the committee shall notify the reason and the planned date of making the decision to the Head Administrative Officer for approval.
  4. Based on the notification from the Investigation Committee under Paragraphs 2 and 3 hereof, the Head Administrative Officer shall promptly notify the results of reinvestigation to the whistleblower, the accused researcher, etc. and any person(s) other than the accused researcher, etc. who is determined as having been involved in the misconduct. In cases where the accused researcher, etc. belongs to an organization other than the University, the Head Administrative Officer shall notify the results to the organization as well. The results shall be notified to the relevant fund-distributing agency and government agencies as well.

#### Publication of Investigation Results

##### **Article 39.**

1. If the research misconduct alleged by the whistleblower is determined to have been committed, the Head Administrative Officer shall publish the investigation results promptly.
2. The publication of the investigation results under the preceding paragraph shall contain such information as the name and affiliation of a person(s) involved in the research misconduct, the content of misconduct, measures taken by the University before publication, the names and affiliation of members of the Investigation Committee, and the method and procedure adopted for the investigation.
3. Notwithstanding the provision of the preceding paragraph, in cases where a paper(s) or other publication for which misconduct is determined to have been committed had been withdrawn before the concern was raised by the whistleblower, the Head Administrative Officer may choose not to publish the name and affiliation of the person(s) involved in the misconduct.
4. If the research misconduct alleged by the whistleblower is determined as not having been committed, the Head Administrative Officer may choose not to publish the investigation results, provided, however, that the investigation results shall be published in cases where it is determined that there is a need to restore the honor of the accused researcher, etc.; where the case investigated has been divulged outside of the University; or where an error which is not willful or not caused by material failure on the part of the accused researcher, etc. to meet his/her basic duty of care is found in a paper(s) or other publication.
5. If the investigation results are published in a case referred to in the proviso in the preceding paragraph, such publication shall state that no misconduct has been found in the research and that there was an error which was not willful or not caused by material failure on the part of the accused researcher, etc. to meet his/her basic duty of care in a paper(s) or other publication, as well as provide such information as the name and affiliation of the accused researcher, etc., the names and affiliation of members of the Investigation Committee, and the method and procedure adopted for the investigation.
6. If it is determined that the allegation raised by the whistleblower was false and malicious, the Head Administrative Officer shall publish such information as the name and affiliation of the whistleblower, the reasons why the allegation is determined as being malicious, the names and affiliation of members of the Investigation Committee, and the method and procedure adopted for the investigation.

#### **Section 7. Measures and Punishment**

##### Temporary Measures during Formal Investigation

##### **Article 40.**

1. The Head Administrative Officer may take such measure as the temporary suspension of the funding of research in which the accused researcher, etc. is alleged to have committed misconduct as necessary during the period between when formal investigation is decided to be conducted and when the results of the investigation are reported by the Investigation Committee.
2. If the suspension of the funding of research in which the accused researcher, etc. is alleged to have committed misconduct, or any other measures, is ordered by the applicable fund-distributing agency, the Head Administrative Officer shall take necessary action to implement such order.

#### Order to Stop the Use of Research Fund

**Article 41.** The Head Administrative Officer shall give an order to stop the use of the research fund immediately to a person(s) determined as having been involved in misconduct in research, a person(s) determined as having major responsibility for the content of a paper(s) or other publication published in connection with research in which misconduct is identified, and a person(s) determined as being responsible for the use of the whole or part of the research fund (hereinafter, collectively, “Person(s) Determined as Responsible for Misconduct”).

#### Recommendation for Withdrawal, Etc. of Paper or Other Publication

**Article 42.**

1. The Head Administrative Officer shall recommend the Person(s) Determined as Responsible for Misconduct to withdraw, correct or take other necessary measures for his/her paper or other publication published in connection with research in which misconduct is identified.
2. The Person(s) Determined as Responsible for Misconduct shall indicate his/her intention to accept or not to accept the recommendation made under the preceding paragraph to the Head Administrative Officer within fourteen (14) days after and including the date on which the recommendation is received.
3. If the Person(s) Determined as Responsible for Misconduct refuses to accept the recommendation made under Paragraph 1, the Head Administrative Officer shall publish to that effect.

#### Lifting of Measures Taken

**Article 43.**

1. In cases where it is determined that the research misconduct alleged by the whistleblower was not committed, the Head Administrative Officer shall lift the suspension of the funding of research, or any other measures taken against the accused researcher, etc. when formal investigation was commenced. Any measures taken to preserve evidence shall also be lifted promptly after the objection-filing period is over with no objection raised or the results of the examination of the objection raised are finalized.
2. The Head Administrative Officer shall take measures to restore the honor of the accused researcher, etc. who is determined as not having committed misconduct in research and prevent any disadvantage to him/her.

#### Punishment

**Article 44.**

1. If the research misconduct alleged by the whistleblower is determined as the result of formal investigation to have been committed, the Head Administrative Officer shall punish the person(s) involved in the misconduct in accordance with applicable laws and regulations, labor regulations, and other relevant regulations.
2. If any punishment is imposed under the preceding paragraph, the Head Administrative Officer shall notify the punishment given and other details to the applicable fund-distributing agency and government agencies.

#### Corrective Measures, Etc.

**Article 45.**

1. If the research misconduct alleged by the whistleblower is determined as the result of formal investigation as having been committed, the Research Ethics Committee shall recommend the Head Administrative Officer to take corrective measures, recurrence prevention measures, and other necessary measures to improve the compliance environment (hereinafter, “Corrective Measures, Etc.”) promptly.
2. Based on the recommendation received under the preceding paragraph, the Head Administrative Officer shall order the representative of a relevant department(s) to implement the Corrective Measures, Etc., and, if necessary, shall introduce the Corrective Measures, Etc. throughout the University.
3. If the Head Administrative officer confirms that corrective measures, etc. are not functioning properly, he/she will order the responsible persons in the relevant departments to take the necessary measures, etc. again.
4. The Head Administrative officer shall notify the whistleblower of the case of the corrective measures, etc. taken in accordance with Paragraph 2.
5. The Head Administrative Officer shall notify the details of the Corrective Measures, Etc. taken under Paragraph 2 hereof to the applicable fund-distributing agency, and the Ministry of Education, Culture, Sports, Science and Technology and other relevant government agencies.

#### Education and Awareness

**Article 46.** The chairperson of the Research Ethics Committee shall educate and inform faculty members and others about the University's administrative organization for dealing with whistle-blowing.

#### Disclosure of Operational Result

**Article 47.** The chairperson of the Research Ethics Committee shall disclose to the board members, faculty members and other staff members of the corporation a summary of the operational results concerning the

whistle-blowing received at the whistle-blowing desk, to the extent that it does not hinder the proper execution of duties and the protection of confidentiality, trust, honor, privacy, etc. of interested parties.

#### Storage of Relevant Materials

**Article 48.** The Audit Office shall keep the records and related materials examined by the Committee as stipulated in Articles 23, 24 and 37 in accordance with the regulations for preservation of documents.

#### Administrative Work

**Article 49.** The Research and Development Center shall supervise all the administrative work pertaining to these Regulations.

#### Revision and Abolition of These Guidelines

**Article 50.** These Regulations may be revised or abolished based on the Rules on Administrative Authority.

#### Supplementary Provisions:

1. These Regulations shall be enforced on April 1, 2015.
2. These Regulations shall be enforced on April 1, 2016, after partial revision.
3. These Regulations shall be enforced on March 3, 2017, after partial revision.
4. These Regulations shall be enforced on January 18, 2019, after partial revision.
5. These Regulations shall be enforced on April 1, 2022, after partial revision.
6. These Regulations shall be enforced on June 21, 2023, after partial revision.
7. These Regulations shall be enforced on April 25, 2024, after partial revision.

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