

*The Japanese version is the authoritative version, and this English translation is intended for reference purposes only. Should any discrepancies or doubts arise between the two versions, the Japanese version will prevail.

Guidelines for the Prevention of Misconduct in Research Activities of Tokyo University of Foreign Studies

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1. Purpose

The purpose of these Guidelines is to prevent and, if necessary, to respond to the occurrence of misconduct related to research activities conducted at Tokyo University of Foreign Studies (hereinafter referred to as the “University”), and to ensure that all research activities at the University are carried out in a fair and just manner.

2. Definition of Terms

(1) For the purpose of these Guidelines, “misconduct” refers to any of the following intentional acts or acts of gross negligence in the application, implementation, reporting, or review of research activities conducted by the University’s faculty or staff in accordance with the researcher’s basic duty of care (this includes acts committed by faculty and staff members who were previously affiliated with the University while in employment here or while enrolled here).

① Fabrication

Fabrication of data or research results or use of such fabricated data or results in research records, reports or papers.

② Falsification

Manipulation of research materials, equipment, or processes, such that the data or results obtained are not an accurate representation.

③ Plagiarism

Appropriation of other researchers’ ideas, analysis and analytical methods, data, research results, research papers or terms without the consent of the researcher or without giving appropriate credit.

④ Extremely malicious actions equivalent to those listed in the preceding three items (duplicated submission of essentially the same paper as that already published or submitted to other journals; inappropriate authorship where the original author of the paper is not properly disclosed; lack of citations in research papers based on malicious intent, etc.)

⑤ Improper use of public research funds

Use of public research funds for purposes other than those for which they were originally intended, expenditure based on false claims, or other improper use of funds in violation of laws and regulations or the rules for use of funds established by the University or the funding agency.

(2) In these Guidelines, “public research funds” means all expenses handled by the University that are funded by basic expenses such as operating subsidies, scholarships, commissions, and funds allocated on a competitive basis by external funding agencies.

(3) In these Guidelines, “faculty and staff” means officers, faculty members, and other persons, including part-time employees, who are affiliated with the University and are involved in research activities and the management and administration of public research funds at the University.

(4) In these Guidelines, “department” means the Education and Research Institutions described in Chapter 3 of the Regulations on Organization of Tokyo University of Foreign Studies or the Administration Office.

3. System for the Prevention of Misconduct

1 Responsibilities and authority

In order to prevent misconduct in the University’s research activities and to ensure the proper management and administration of public research funds, the University shall appoint a Chief Administrative Officer, a General Management Officer, a Compliance Manager, and a Research Ethics Education Manager. The Chief Administrative Officer shall be the President, the General Management Officer shall be the Director or Vice President in charge of research, and the Compliance Manager and the Research Ethics Education Manager shall be appointed from amongst the Deans of the University’s departments.

(1) The Chief Administrative Officer presides over the entire University, with ultimate responsibility for the prevention of misconduct in research activities and the management and administration of public research funds. The Chief Administrative Officer formulates and disseminates the Basic Policy for the Prevention of Misconduct, and puts in place the measures required for the implementation of this policy.

(2) The General Management Officer assists the Chief Administrative Officer and has substantial University-wide responsibility and authority for the prevention of misconduct in research activities and

the management and administration of public research funds, as well as overseeing the system for prevention of misconduct across the organization, and, formulating and implementing specific University-wide measures in accordance with the basic policy. The General Management Officer shall confirm the status of implementation of these measures, and shall report on this to the Chief Administrative Officer.

(3) The Compliance Manager has substantial responsibility and authority for the management and administration of public research expenses within the departments, and shall perform the following operations under the supervision of the General Management Officer.

① Implement measures to prevent improper use of public research funds in the departments under their supervision or guidance, confirm the status of implementation, and report on this to the General Management Officer.

② Organize regular education for faculty and staff who manage and implement public research funds to inform them of the University's policies for the prevention of misconduct and all related rules (hereinafter referred to as "compliance education"), and monitor the participation and level of understanding of the participants.

③ Conduct continuous educational activities to raise and spread awareness of the prevention of misconduct in relation to public research funds among faculty and staff who manage and implement public research funds.

④ Monitor whether faculty and staff are properly managing and implementing public research funds in the departments under their management, leadership or instruction, and provide guidance for improvement as necessary.

(4) The Compliance Manager may appoint a Deputy Compliance Manager to assist with the duties listed in the preceding paragraph as necessary.

(5) The Research Ethics Education Manager has substantial responsibility and authority for the prevention of misconduct in research activities within the departments, and under the supervision of the General Management Officer, and provides education to faculty and staff on a regular basis to ensure that they learn the ethical standards required of them (hereinafter referred to as "research ethics education"), and monitors the participation and level of understanding of the participants.

(6) The Research Ethics Education Manager may appoint a Deputy Research Ethics Education Manager to assist with the duties listed in the preceding paragraph as necessary.

2 Establishment of the Office for the Prevention of Misconduct in Research Activities

The Office for the Prevention of Misconduct in Research Activities (hereinafter referred to as the "Office for Prevention of Misconduct") shall be established under the Chief Administrative Officer in order to implement the Plan for the Prevention of Research Misconduct and to provide solutions for issues related to misconduct.

Necessary matters pertaining to the Office for Prevention of Misconduct shall be determined separately.

3 Formulation of the Plan for the Prevention of Research Misconduct

The Office for Prevention of Misconduct shall consider the factors that give rise to misconduct in research activities and in response to these shall formulate a specific Plan for the Prevention of Research Misconduct (hereinafter referred to as the "Plan for Prevention of Misconduct") and strive to implement this plan.

4. Establishment of a Basic Environment for the Proper Management and Administration of Public Research Funds

The Chief Administrative Officer shall establish the following environment and systems in order to eliminate the factors that give rise to misconduct and to improve the basic environment for the proper management and administration of public research funds.

1 Clarification and unification of rules

(1) Maintain continual consultation with all parties concerned to ensure that the relevant rules are clearly understood and disseminate these rules among the faculty and staff, and make adjustments to ensure there is no disparity between the rules and the way in which they are implemented.

(2) Based on (1) above, the rules shall be reviewed and the faculty and staff shall be informed of all agreed-upon items.

(3) Rules and regulations regarding the implementation of public research funds and sample Q&As for

any points in the rules that require clarification shall be compiled. The departments concerned shall provide notification of these via their websites.

2 Clarification of duties and authority

Identify and clearly indicate the department handling consultation concerning different types of public research funds and categories of expense, and clarify its duties and remit.

3 Raising awareness of relevant faculty and staff

(1) Establish a code of conduct regarding research activities and the management and administration of public research expenses.

(2) Organize regular compliance education for faculty and staff who manage and implement public research funds, and monitor the participation and level of understanding of the participants.

(3) Conduct continuous educational activities to raise and spread awareness of the prevention of misconduct in relation to public research funds among faculty and staff who manage and implement public research funds.

(4) Ensure that faculty and staff who manage and implement public research funds submit a written pledge of compliance with the relevant rules to the Chief Administrative Officer.

4 Provision of support on-campus for proper management and administration of public research funds

(1) After the start of the fiscal year and until the allocation of public research funds, act as intermediary through interim measures including advance reimbursement of research funds.

(2) Confirm the status of implementation of research budgets. If there appears to be a significant delay compared to the initial plan, ask the relevant departments and lead researchers to check whether or not there is an issue with the implementation of the research budget and request remedial action if necessary. With regard to education and research funds, excluding competitive funds from external funding agencies, analyze the factors behind delays in implementation of projects and take measures to reduce the allocated budget after consultation where necessary.

(3) Appropriate measures, such as disciplinary action, will be taken against faculty members and staff involved in a transaction where misconduct is identified based on the Employment Regulations and related rules that apply to faculty and staff.

(4) If any vendor is involved in a transaction where misconduct is identified, the University shall notify this vendor that it will not conduct any transaction with them for a specified period of time, depending on the extent of the misconduct, and will put measures in place to suspend transactions during this period. If the vendor involved in the prohibited transaction self-reports previous prohibited transactions to the University, the University may take measures such as reducing or waiving the period of suspension, taking the circumstances into consideration.

(5) Administration Office staff (Finance and Accounting Division staff for supplies, Library and Information Resources Division staff for books, etc.) place and receive orders for public research funds in accordance with the accounting rules and regulations of the University, and pass on supplies to faculty and staff after inspecting that they have been properly delivered.

(6) Highly cashable items should be managed in an appropriate manner, such as by keeping records of their location, and carrying out physical checks as required.

(7) The hiring and renewal of contracts for part-time employees shall be determined by the Dean of the department concerned. In principle, the administrative body that supports the department concerned is responsible for matters of employment management, including the checking of working status.

(8) When paying travel expenses for research business trips, etc., the University shall request the submission of documents and other material that confirms the status of the research travel plan, and if necessary, make inquiries and check facts with the travel destination.

5 Establishment of a contact point for consultation

The University shall establish a point of contact for consultation (hereinafter referred to as the "consultation contact point") to handle consultations both internally and externally regarding administrative procedures and the rules of use for public research funds.

The consultation contact point shall be set up at the Administration Office, and the supervising department shall be determined separately.

6 Monitoring and audit

Monitoring and audit of the management and administration of public research funds shall be conducted through the cooperation of the Office for Prevention of Misconduct and the Audit Office.

be in accordance with the provisions of the Tokyo University of Foreign Studies Internal Audit Regulations (2004, Regulation No. 126).

5. Responsibilities of Faculty and Staff

(1) Faculty and staff members must comply with the University's code of conduct for research activities and the management and administration of public research funds.

(2) Faculty and staff must always maintain high ethical standards to ensure they do not commit acts of misconduct in research activities or of improper use of public research funds, and must conduct research activities in a fair and appropriate manner. In addition, faculty and staff must make efforts to prevent others from committing acts of misconduct.

(3) Faculty and staff must retain all research documents and materials for a specific period of time and make these publicly available as necessary in order to ensure that no research materials are destroyed, whether deliberately or through gross negligence, or lost due to poor management. The specific details of the research materials concerned, period of retention and method of safekeeping or publication shall be determined separately, based on the nature of the materials and the characteristics of the research field.

(4) Faculty and staff must, in addition to complying with these Guidelines, follow the instructions given by the Compliance Manager and the Research Ethics Education Manager to ensure that misconduct does not occur.

(5) Faculty and staff engaged in research activities shall participate in research ethics education.

(6) Faculty and staff who manage and implement public research funds shall participate in compliance education.

(7) Faculty and staff shall cooperate with investigations of misconduct if requested.

6. Response to Misconduct

1 Establishment of contact point for reporting or consulting on research misconduct

(1) The Office for Prevention of Misconduct is the point of contact for reporting or consulting on research misconduct, or for information from internal or external sources on research misconduct (including suspected cases of misconduct) (hereinafter referred to as the "contact point for reporting or consulting on research misconduct" or the "contact point").

(2) The contact point shall be established within the Research Promotion Division. Its contact details are as follows:

Contact Point for Reporting or Consulting on Research Misconduct at Tokyo University of Foreign Studies

Address: 3-11-1 Asahi-cho, Fuchu-shi, Tokyo 183-8534

Contact: Tokyo University of Foreign Studies, Research Promotion Division

Tel: 042-330-5593

Fax: 042-330-5610

Email: fusei-madoguchi@tufs.ac.jp

Manager of Contact Point for Reporting or Consulting on Research Misconduct: Research Promotion Division

2 Handling of allegations of misconduct

(1) Allegations shall be accepted in writing (Attachment No. 1) by the manager of the contact point for reporting or consulting on research misconduct, who shall report this to the General Management Officer. The General Management Officer shall check the details of the allegation and submit a report to the Chief Administrative Officer.

(2) In principle, allegations should be made in the name of the reporter and are only accepted if full details of the matter are clearly stated, including the name of the person or group that has committed the alleged act of misconduct, circumstances of the act of misconduct, and scientific and legitimate reason as to why this act constitutes misconduct. However, if the reporter wishes to remain anonymous, their name can be kept confidential in subsequent procedures.

(3) Notwithstanding (2) above, in the event that an allegation is filed anonymously, the General Management Officer may handle the case as if the reporter is named, depending on the content of the

allegation.

(4) If the University does not have the authority to investigate the allegation, it shall refer the accusation to the relevant research institution.

(5) The General Management Officer may on their own authority investigate any suspected misconduct based on reasonable and reliable information, regardless of whether or not an allegation has been made to the contact point for reporting or consulting on research misconduct.

(6) If an allegation is made and the General Management Officer determines that the allegation should be investigated by another research institute, they shall notify the research institution concerned of the allegation.

(7) If the contact point for reporting or consulting on research misconduct accepts the allegation, the manager of the contact point shall notify the reporter (excluding anonymous allegations; however, if the name of the reporter becomes known before the result of the investigation has been determined, the case shall be handled as if the reporter is named).

(8) For consultations where there is no explicit intention to make an allegation, the details of the consultation shall be checked and scrutinized pursuant to making an allegation, and if it is deemed that there are reasonable grounds for an allegation, the person who requested the consultation shall be asked whether or not they intend to make an allegation.

(9) For allegations or consultations where it is deemed that an act of misconduct may be about to be committed or that someone has been asked to commit an act of misconduct, the General Management Officer will check and examine the details of the allegation or consultation, and if it is deemed that there are reasonable grounds, the General Management Officer shall issue a formal warning to the respondent to this effect. In the event that the General Management Officer issues a warning to a respondent affiliated with a research institution other than the University, the General Management Officer shall also notify this research institution of the content of the warning.

3 Treatment of reporters of misconduct and respondents

(1) When accepting an allegation, the manager of the contact point for reporting or consulting on research misconduct shall take appropriate measures to keep the details of the allegation and the name of the reporter confidential.

(2) The General Management Officer shall take thorough measures to ensure confidentiality with regard to the reporter of the allegation made to the contact point, the respondent, the details of the allegation and the details of the investigation, until the results of the investigation are made public, to ensure that no information is disclosed outside the University without the consent of the reporter and the respondent.

(3) If any details of the investigation are leaked, the General Management Officer shall, with the consent of the reporter and the respondent, make the details of the investigation public, regardless of whether or not the investigation is ongoing at that time. However, if either the reporter or the respondent themselves are responsible for the leak, their consent is not required.

(4) If the allegation is determined to have been lodged out of malice (that is, an intention to cause harm to the respondent through incriminating them or interfering with their research, or cause disadvantage to the University; the same shall apply hereinafter), the Chief Administrative Officer shall disclose the name and affiliation of the reporter, and take necessary measures such as disciplinary action or prosecution.

(5) The reporter shall not incur any disadvantage such as dismissal, demotion, reduction in pay or any other disadvantageous treatment solely on the grounds of having made an allegation, unless it is determined that the allegation has been lodged out of malice.

(6) Equally, the respondent shall not be subject to restrictions on their research activities either in whole or in part, or dismissal, demotion, reduction in pay, or any other disadvantageous treatment solely on the grounds of an allegation being made against them.

4 Handling of cases not based on the receipt of an allegation

(1) For consultations where there is no explicit intention to make an allegation as described in 6-2 (8) of these Guidelines, an investigation may be opened even if there is no explicit allegation if there are reasonable grounds for doing so.

(2) If a member of the University's faculty or staff is suspected of misconduct by the scientific community, for example participants at an academic conference, or in the press, the University shall handle the matter in the same manner as if an allegation had been made.

(3) If a member of the University's faculty or staff is suspected of misconduct based on a report on the internet, the case will be handled in the same way as if an allegation has been made, provided that the

details of the case, including the identity of the faculty or staff member who is suspected of misconduct, and the nature of the misconduct, are clearly stated and there is a scientific and legitimate reason as to why this act constitutes misconduct.

7. Investigation of Cases Related to Allegations

1 Scope of investigation

(1) Investigations shall be conducted by the preliminary review committee and the investigative committee for cases of misconduct listed in 2 (1) of these Guidelines.

(2) When an allegation is made against a researcher affiliated with the University in respect of research activities conducted at a research institution other than the University, the University and the research institution concerned shall investigate the allegation jointly.

(3) If the respondent has already left the University and is affiliated with another research institution, and the allegation involves research that was conducted while the respondent was affiliated with the University, the University shall investigate the matter jointly with the research institution concerned.

(4) If the respondent is not affiliated with another research institution after leaving the University, and the allegation relates to activities conducted at the University, the University shall investigate the matter.

(5) If the respondent is affiliated with another research institution, and was mainly conducting research related to the alleged misconduct at the University, the investigation shall be conducted jointly with the research institution concerned, with the University taking the lead role in the investigation. However, other arrangements may be made with the research institution, depending on the details of the case.

(6) If the funding agency that allocated the research funds pertaining to the allegation requests cooperation from the University in the investigation, the General Management Officer shall cooperate with this investigation in good faith.

(7) The General Management Officer may, if it is deemed necessary, entrust the investigation of the matter to another research institution, academic society, or other research community related to the research field concerned with the allegation, or request their cooperation in conducting the investigation.

2 Investigation system in respect of allegations of misconduct

(1) Implementation of preliminary review

① If the General Management Officer receives an allegation or suspects the existence of misconduct based on reliable information, they shall promptly establish a preliminary review committee to conduct a preliminary review.

② The preliminary review committee shall consist of four or more members for each individual case.

③ The members of the preliminary review committee shall be appointed by the General Management Officer.

④ During the preliminary review, measures may be taken to secure safekeeping of relevant documents, experiment notes, research materials, etc. that may serve as evidence for a formal investigation.

(2) Method of preliminary review

① The preliminary review committee shall request the department(s) concerned with the preliminary review to provide relevant materials, certify facts and submit any other documents required for the preliminary review. It shall interview the parties concerned as required and carry out a preliminary review regarding the matters listed in the following items.

a) The possibility of misconduct in the research activity concerning which the allegation has been made

b) Scientific logic and rationale of the information presented in the allegation of misconduct

c) Matters related to the feasibility of a formal investigation, such as the retention period of materials that may serve as evidence pertaining to the allegation

d) Other matters deemed necessary by the preliminary review committee.

② Where a preliminary review into an allegation of misconduct is made in respect of a research paper that was withdrawn before the allegation was actually made, the preliminary review committee shall investigate the background and circumstances leading to this withdrawal, and determine whether or not the matter should be investigated as misconduct based on the results of this review.

③ The preliminary review committee shall report the results of its review to the General Management Officer within approximately 30 days of receiving the original allegation.

(3) Determination and notification of requirement for a formal investigation

① The General Management Officer shall promptly report the results of the preliminary review to the Chief Administrative Officer, and the Chief Administrative Officer will promptly decide whether or not to conduct a formal investigation.

② In the event that the Chief Administrative Officer decides to conduct a formal investigation, the Chief Administrative Officer shall notify the reporter and the respondent of the decision to conduct a formal investigation and request their cooperation in this investigation.

③ If the respondent is affiliated with a research institution other than the University, this research institution shall also be notified. When investigating the allegation, careful consideration shall be given to ensure that the identity of the reporter is not disclosed to anyone other than those involved in the investigation or the respondent, except when the reporter gives their consent.

④ If the research pertaining to the allegation is funded by a competitive grant from an external funding agency, the Chief Administrative Officer shall promptly notify the funding agency of the competitive grant and the Ministry of Education, Culture, Sports, Science and Technology of the need for the formal investigation.

⑤ If an investigation is made into research funded by a competitive grant from an external funding agency, matters such as the research policy, subject matter and method of the investigation shall be reported to and discussed with the funding agency concerned.

⑥ In the event that the Chief Administrative Officer decides not to conduct a formal investigation, the Chief Administrative Officer shall notify the reporter of the decision along with the reasons for this decision.

⑦ If a formal investigation is not conducted, the Chief Administrative Officer shall preserve the materials related to the preliminary review and may disclose these at the request of the funding agency concerned or the reporter.

⑧ The formal investigation shall commence within approximately 30 days from the date of the decision to conduct the investigation.

(4) Implementation of formal investigation

① If the Chief Administrative Officer decides to conduct a formal investigation, the Chief Administrative Officer shall promptly instruct the Office for Prevention of Misconduct to establish an investigative committee to conduct the formal investigation.

② The investigative committee shall consist of members designated by the General Manager of the Office for Prevention of Misconduct who have no direct interest in the reporter or the respondent.

③ For each case, the investigative committee shall consist of at least four members and at least half of the investigative committee shall be made up of external experts who do not have any affiliation with the University.

④ Once the investigative committee is established, the General Manager of the Office for Prevention of Misconduct shall notify the reporter and the respondent of the names and affiliations of the investigative committee members. In response to this, the reporter and respondent reserve the right to file an appeal in writing to the General Manager of the Office for Prevention of Misconduct within 10 days from the date of notification. If an appeal is filed, the General Manager of the Office for Prevention of Misconduct shall examine the details of this appeal, and if it is determined that the appeal is legitimate, the General Manager of the Office for Prevention of Misconduct shall replace the committee member concerned and notify the reporter and respondent to this effect.

(5) Method of investigation

① The formal investigation shall be conducted through a close examination of the research paper and related materials pertaining to the research in question, and interviews with all those involved in the case.

② The investigative committee shall provide an opportunity for the respondent to give an explanation of their actions.

③ The investigative committee may request the respondent to provide some more background information on their explanation.

④ If the investigative committee requests the respondent to provide evidence to support their case, or if the respondent voluntarily offers to provide evidence, the investigative committee shall, to the extent reasonably deemed necessary, allow the respondent a set period of time and an opportunity to prove their

case. However, if the investigative committee deems that the respondent is merely trying to prolong the investigation of the case, it shall refuse any requests from the respondent to prove their case.

⑤ The reporter, respondent and other related parties shall duly cooperate with the investigation of the investigative committee in good faith.

⑥ If it is necessary to conduct an investigation at another research institution, the investigative committee may request cooperation in accordance with its authority.

⑦ In addition to the research pertaining to the allegation, other research conducted by the respondent related to the investigation may be included at the discretion of the investigative committee.

⑧ In the course of the investigation, measures will be taken to preserve any documents or materials that may serve as evidence regarding the research pertaining to the allegation. In this case, no restrictions will be imposed on the respondent's research activities provided that this does not affect the aforementioned measures for preservation of documents or materials.

⑨ In the course of the investigation, due consideration shall be given to ensuring that no information that needs to remain confidential for research or technical purposes, such as pre-publication data, papers or similar documents pertaining to the respondent, is disclosed beyond the scope necessary to carry out the investigation.

⑩ If the investigation concerns research conducted with competitive funds from an external funding agency, the research policy, research targets and methods, shall be reported and discussed with the relevant funding agency concerned.

⑪ If the research pertaining to the allegation was conducted with competitive funds from an external funding agency, the Chief Administrative Officer shall submit progress reports and interim reports of the investigation to the funding agency and the relevant ministries and agencies, while the investigation is still ongoing, if so requested by the funding agency.

(6) Accountability for allegations of misconduct

① In the investigation by the investigative committee, if the respondent seeks exoneration from the allegation, they must explain with scientific evidence, that their research was conducted in accordance with scientifically appropriate means and methods, and that their research paper was properly written based on such methods and means.

② In the defense of the respondent, if the respondent is unable to provide evidence due to a lack of basic research components that should normally exist, such as research materials or numerical data for compilation of the research paper, misconduct shall be deemed to have occurred. This shall not apply, however, if there is a legitimate reason for which the respondent is not to blame (such as a natural disaster) that prevents them from presenting these key research components, despite having exercised the due care of a prudent manager. The same applies where the absence of research materials or numerical data on which the paper was based is due to the fact that the retention period has exceeded a reasonable period of time, considering the nature of research in each field, for preserving such items, or the retention period set by the research institution.

③ The degree of accountability of the respondent and the basic research components that should normally exist shall be determined at the discretion of the investigative committee, depending on the characteristics of the research field.

3 Determination of whether or not misconduct has occurred

(1) Determination

① The investigative committee shall summarize the findings of its investigation within approximately 150 days after the commencement of the formal investigation, and shall determine whether or not an act of misconduct has been committed, the details of the misconduct if so identified, the persons involved in the misconduct and the degree of their involvement, the role of the author of the paper for which research misconduct is identified and in the research activities concerned, and the value of public research funds that have been misused. The investigative committee shall collate its findings and report these to the Office for Prevention of Misconduct. However, this does not apply where there are reasonable grounds for not being able to determine whether misconduct has taken place within approximately 150 days for the types of misconduct listed in 2 (1) ①-④ of these Guidelines, provided that the reasons for this and the scheduled date of determination are notified to the Chief Administrative Officer through the Office for Prevention of Misconduct and approval is obtained.

② The investigative committee shall consider the explanation provided by the respondent and make a determination as to whether or not misconduct has occurred based on a comprehensive assessment of the evidence obtained through the investigation, including testimony of the persons involved, physical evidence, along with the respondent's own statement on the matter. The probative value of the evidence shall be up to the investigative committee to judge. It is important, moreover, that any judgment on the existence of misconduct and whether or not any act of misconduct was intentional or due to gross neglect of a researcher's basic duty of care be made objectively, taking into account a variety of factors, including how the respondent's research was structured and how data checking was performed. Note that research misconduct cannot be determined based solely on an admission by the respondent. However, if the explanation of the respondent and other evidence are not sufficient to dispel the suspicion of misconduct, it shall be determined that misconduct has occurred. The same shall be true if the respondent does not present sufficient evidence to dispel the suspicion of research misconduct due to a lack of research materials or numerical data used for writing the paper, or other key components of research that should normally exist.

③ Where no wrongdoing is found to have taken place and the allegation is found to have been lodged out of malice based on the investigation, the investigative committee shall at the same time issue this as its finding. In making such a finding, the investigators shall give the reporter the opportunity to offer a defense.

④ The Office for Prevention of Misconduct shall confirm the findings of the investigation committee and promptly report these to the Chief Administrative Officer.

(2) Notification and reporting of findings

① The Chief Administrative Officer shall promptly notify the reporter and the respondent (including persons other than the respondent accused who have been identified as having been involved in the misconduct) of the findings of the investigation. If the respondent is affiliated with a research institution other than the University, the findings shall be notified to the institution concerned.

② Where an allegation involves competitive funds from an external funding agency, the Chief Administrative Officer shall submit a final report including the findings of the investigation, the causes of the misconduct, the status of management and monitoring of other competitive research funds in which the researcher concerned has an involvement, and the plan to prevent recurrence to the relevant funding agency and the relevant ministry or agency within approximately 210 days of receiving the allegation. In addition, if the investigation finds that only a part of the allegation constitutes misconduct, the details shall be promptly reported to the funding agency and other relevant ministries and agencies.

③ If misconduct is identified in an investigation related to a paper that was withdrawn before the allegation was made, the investigation findings should include the remedial action taken by the researcher, such as the withdrawal of the paper, and the background and circumstances that led to the taking of such measures.

④ If the allegation is found to have been lodged out of malice and the reporter is affiliated with another research institution, the Chief Administrative Officer shall notify the research institution to this effect.

(3) Appeal

① A respondent who is found to have committed misconduct or a reporter whose allegation is found to have been lodged out of malice (including cases in which malice was determined during the investigation following an appeal by the respondent) may, in principle, file a written appeal with the Chief Administrative Officer (Appendix Form 2) within 10 days of the date of notification of the findings of the investigation. It shall not be possible, however, to file repeated appeals for the same reason, even if these are within the deadline.

② When the Chief Administrative Officer receives an appeal, the Office for Prevention of Misconduct will instruct the investigative committee to review the details of the appeal. In that examination, if the Office for Prevention of Misconduct deems that the nature of the appeal necessitates a decision requiring new expertise, the Office for Prevention of Misconduct may add or replace members of the investigative committee, or instruct the investigation to be carried out by other persons in place of the investigative committee. This shall not apply, however, if it is deemed that there is no sufficient reason requiring the makeup of the investigative committee to be changed.

③ A prompt decision shall be made on whether to conduct a new investigation of the case, taking into consideration the details of the appeal and reasons given. If a decision is made to reject the appeal

without conducting a new investigation of the case, the investigative committee shall report this immediately to the Office for Prevention of Misconduct. The Office for Prevention of Misconduct shall confirm the details of the report and report this to the Chief Administrative Officer, who shall notify the respondent of the decision (or the reporter whose allegation is found to have been lodged out of malice). If in such a case it is judged by the investigative committee that the appeal was filed mainly for the purpose of prolonging the case or delaying the sanctions accompanying the determination, no further appeals will be accepted.

④ If a decision is made to conduct the new investigation, the investigative committee shall request the respondent (or the reporter whose allegation is found to have been lodged out of malice) to cooperate in the new investigation to ensure prompt resolution, including the submission of materials sufficient for overturning the earlier investigation result. If such cooperation is not obtained, the committee shall be able to halt the investigation without going ahead with a new investigation. In this case, a report shall be submitted immediately to the Office for Prevention of Misconduct. The Office for Prevention of Misconduct shall confirm the details of the report and report this to the Chief Administrative Officer, who shall notify the respondent of the decision (or the reporter whose allegation is found to have been lodged out of malice).

⑤ If the respondent files an appeal against the finding of specific research misconduct, the Chief Administrative Officer shall notify the reporter (or the respondent). In addition, if the research related to the case was carried out with competitive funding from an external funding agency, the research funding agency involved in the matter and the relevant ministries and agencies shall be informed. The same shall apply for rejection of the appeal or the decision to open a new investigation.

⑥ If the investigative committee opens a new investigation, the committee shall decide whether to overturn the earlier investigation within approximately 50 days (or generally within 30 days for appeals by a reporter whose allegation is found to have been lodged out of malice) and shall immediately report this decision to the Office for Prevention of Misconduct. The Office for Prevention of Misconduct shall confirm the findings of the new investigation and report these to the Chief Administrative Officer. If the respondent is affiliated with another research institution, the Chief Administrative Officer shall notify the respondent, the other research institution, and the reporter of the findings. If the research related to the case was carried out with competitive funding from an external funding agency, the research funding agency involved in the matter and the relevant ministries and agencies shall be informed.

⑦ Neither the appellant nor the respondent in the appeal may appeal against the results of the new investigation pertaining to the appeal.

4 Public notification of results of formal investigations

(1) When it is determined that research misconduct has occurred, the Chief Administrative Officer shall promptly make public the results of the investigation. In addition to the name and affiliation of the person(s) involved in the misconduct, the details of the misconduct, the measures taken by the University up to the time of publication, the names and affiliations of the investigative committee members, and the method and procedure of the investigation shall be included in the public announcement. However, if it is determined that misconduct has occurred in respect of a paper that was withdrawn before the allegation was made, the name and affiliation of the person involved in the misconduct act may be withheld.

(2) In principle, if it is determined that no misconduct has taken place, the results of the investigation will not be made public.

(3) If, however, the case under investigation has been leaked before the results of the investigation are made public or if unintentional errors in any research paper(s) or other forms of publication have been uncovered, the findings of the investigation may be made public. If the findings are published, the details that are made public should include the fact that no misconduct has occurred (including unintentional errors in the paper, if any), the name and affiliation of the respondent, the name and affiliation of the investigative committee members, and the method and procedure of the investigation. If it is determined that the allegation was lodged out of malice, the name and affiliation of the reporter shall be made public.

8. Measures Concerning Reporters and Respondents

1 Temporary measures during an investigation

After a decision to conduct a formal investigation has been made, and until the findings of this investigation are determined, the Chief Administrative Officer may order the suspension of the use of research expenses for the research activities pertaining to the allegation. In addition, temporary measures

may be implemented by the external funding agency at the request of the organization.

2 Urgent measures in the event that misconduct is identified

If research misconduct is found to have occurred, the Chief Administrative Officer will immediately order the person identified as being involved in the misconduct as well as any other person whose involvement in the research misconduct was not determined but who were found to bear prime responsibility for the content of research paper(s) or publications connected with the misconduct (hereinafter referred to as “person determined to be responsible for the misconduct”) to cease using research funds and will also recommend that the research paper(s) in which the misconduct was found be withdrawn.

3 Measures in the event that misconduct is identified

(1) Following the implementation of the emergency measures set forth in Section 2 above, the Chief Administrative Officer shall take appropriate measures for disciplinary action against the person(s) determined to be responsible for the misconduct. If the person determined to be responsible for the misconduct is a faculty or staff member of the University, these measures shall be based on the University's Employment Regulations and other related regulations which apply to the person concerned.

(2) In the event that the University suffers significant financial loss or loss of public trust due to the misconduct of the person determined to be responsible for the misconduct as outlined in (1) above, the University may undertake legal action such as criminal prosecution or civil suit.

4 Measures in the event that misconduct is found not to have occurred

(1) When it is determined that no research misconduct has occurred, the Chief Administrative Officer will lift any suspension of use of research funds and measures for preserving evidence implemented during the formal investigation.

(2) The Chief Administrative Officer shall inform all parties involved in the investigation that no misconduct has occurred. In addition, if the case has been leaked to anyone other than those involved in the investigation, they should also be informed.

(3) The Chief Administrative Officer will take measures to restore the reputation of anyone who is found not to have committed misconduct and to ensure that no disadvantage accrues to them.

(4) If the allegation is found to have been lodged out of malice, the Chief Administrative Officer shall take appropriate measures for disciplinary action against the reporter. If the reporter is a faculty or staff member of the University, these measures shall be based on the University's Employment Regulations and other related regulations which apply to the person concerned.

(5) In the event that the University suffers significant financial loss or loss of public trust due to an allegation that is lodged out of malice, the University may undertake legal action such as criminal prosecution or civil suit.

9. Measures for Research Expenses Pertaining to a Person Determined to be Responsible for Misconduct

If it is found that misconduct has occurred, the measures to be taken in respect of research expenses pertaining to the person determined to be responsible for the misconduct shall be as follows.

1 Applicable persons

(1) The author(s) (including the coauthor(s); the same shall apply hereinafter) of the research paper or other document in which misconduct was identified who is found to have been involved in the misconduct.

(2) A person who is not the author of research paper or other document in which misconduct was identified, but who is found to have been involved in the misconduct.

(3) The author(s) identified as bearing prime responsibility for the content of any research paper(s) connected with the research in which misconduct was identified even though they have not been found to have been involved in the misconduct.

(4) A person who is found to have misused public research funds.

2 Measures concerning return of research funds

(1) If it is determined that misconduct has occurred in research conducted with competitive funds from an external funding agency, and the funding agency concerned requests the recipient to pay back these research expenses (including indirect expenses and general administrative expenses; the same shall apply hereinafter) in whole or in part, the applicable person(s) shall pay back the research expenses in full. In the case of research for which the funding agency has a contract with the University, the Chief

Administrative Officer shall make a claim for damages against the applicable person(s). In addition, if a contract has been established but not yet fulfilled, or if a contract is terminated or equipment is returned unused, the applicable person(s) shall be liable in full for payment of any penalty fees in relation to this.

(2) For research where misconduct is identified, if these activities have been carried out through the receipt of basic expenses such as operating subsidies, the applicable person(s) shall return these research expenses to the University in whole or in part.

(3) In the case of (2) above, the Chief Administrative Officer may, depending on the case, suspend the distribution and use of research funds for subsequent years after the year in which the misconduct is identified.

10. Relationship between University Measures and Legal Action

The relationship between measures taken by the University and legal action related to determination of misconduct is as follows.

(1) When a lawsuit is filed after implementation of measures

If a lawsuit is filed with regard to the recognition of misconduct carried out at the University after the measures are taken, these measures will remain in place unless the court decides that continuation of these measures is inappropriate, for example because the determination of misconduct is inappropriate.

(2) When a lawsuit is filed prior to implementation of measures

In the event that a lawsuit is filed against the University for misconduct before measures are taken, these measures may be implemented without waiting for the outcome of the lawsuit.

11. Mutatis Mutandis Application to Acts Committed Prior to the Enforcement of These Guidelines

In the event that an allegation, as described in Section 6-2, is made in respect of an act committed prior to the enforcement of these Guidelines, these Guidelines shall be applied mutatis mutandis, provided that this is in accordance with the nature of the allegation.

Reference number

Allegation

1. Reporter (1) Name	Date:
(2) Address	
(3) Contact details Tel: Email:	
(4) I wish my name and address to be kept confidential.	
YES/NO	
(Please circle as appropriate depending on whether or not you would like to keep your name, address, and contact details confidential in future.)	

* If you prefer to remain anonymous, your name will not be publicly disclosed, but this may hinder a full investigation of the facts.

Reference number

Appeal

1. Appellant (1) Name	Date:
(2) Address	
(3) Contact details Tel: Email:	
(4) I wish my name and address to be kept confidential. YES/NO (Please circle as appropriate depending on whether or not you would like to keep your name, address, and contact details confidential in future.)	

* If you prefer to remain anonymous, your name will not be publicly disclosed, but this may hinder a full investigation of the facts.

2.Details of appeal

(1) Judgment

Subject:

Document number of notification of findings

(Please enter the subject and document number of notification of findings.)

(2) Details of appeal

(Do not include the following)

Date of receipt:

Contact Point for Reporting or Consulting on Research Misconduct at Tokyo University of Foreign Studies

Name of recipient: