

ICU Official Document 08-15, November 19, 2008

ICU Official Document 14-06, October 10, 2014

ICU Official Document 14-29, March 12, 2015

ICU Official Document 16-31, March 2, 2017

Regulations Governing the Prevention of Fraudulent Activities in the University Research

(Objective)

Article 1 These regulations aim to prevent fraudulent activities or unlawful use of research funds (herein referred to collectively as ‘fraudulent activities’) by individuals related to research (herein referred to as ‘researchers’) at the International Christian University (herein referred to as ‘the University’) and to determine the necessary points in taking appropriate responses to instances of such fraudulent activities or fears of same.

(Definitions)

Article 2 In these regulations, ‘fraudulent activities’ include the following.

- (1) Fraudulent activities in research activities: include the following conduct in instances in which researchers carry out research activities (however, cases in which it is brought to light that actions were not intentional are not considered unlawful behavior)
 - a. Fabrication: creating research data and results that do not exist
 - b. Falsification: manipulating changes in research documents, equipment or processes and manufacturing dishonest research results
 - c. Plagiarism: dispersing another’s ideas, analysis, analytical methods, data, research results, essays, or terminology without the individual’s assent or appropriate credit
 - d. Other fraudulent activities (dual submission, improper authorship, etc.)
- (2) Unjust use of research funds: using funds in ways that violate the law, the regulations of the University, or the regulations set forward by the organization providing related research monies
- (3) Since (1) a.-c. above are “specified fraudulent activities” as defined by the national government, when suspicion of such activities arises, then appropriate investigations and measures as stipulated in Article 10 and later shall be promptly carried out

(Chief Administrative Officer)

Article 3 The President as Chief Administrative Officer holds ultimate responsibility for the prevention of fraudulent activities related to research activities and operation and management of research monies.

- 2 The Chief Administrative Officer is to endeavor to understand causes of fraudulent activities, decide plans to prevent such conduct, and manage progress of the plans he/she has put forward. He/she is also to deal strictly and appropriately in instances in which there are fraudulent activities or fears of fraudulent activities in research activities.

(General Management Officer)

Article 4 The Vice President for Academic Affairs as General Management Officer shall assist the Chief Administrative Officer. He/she is also to deal strictly and appropriately in instances in which there is fraudulent activities or fears of fraudulent activities in research activities.

- 2 In this capacity, the General Management Officer shall make continuing plans to educate and train researchers in order to prevent fraudulent activities at the University.

(Compliance Promotion Officer and Research Ethics Education Officer)

Article 5 The Compliance Promotion Officer shall be positioned as someone who, under the direction of the General Management Officer, implements measures in divisions, groups, etc. and confirms and reports the implementation status. The position shall be filled by the Assistant Director of the Center for Research Planning and Support. The Compliance Promotion Officer shall also bear responsibility as a Research Ethics Education Officer who fulfills a similar role regarding fraudulent activities.

- 2 The Compliance Promotion Officer shall provide compliance education regarding unauthorized use and information ethics education regarding fraudulent activities to all constituent members in order to prevent fraudulent activities. In addition, the Officer shall monitor whether constituent members are appropriately managing and implementing competitive funds, etc. and lead improvements as necessary.

(Responsibility of researchers and research supporters)

Article 6 Researchers are to maintain a high degree of ethics and are not to engage in fraudulent activities in research activities and unauthorized use of research funds.

- 2 If researchers are also instructors at the University, such researchers are to bear the responsibility of the previous clause as well as the responsibility of conducting proper advising towards their students such that no fraudulent activities take place.
- 3 All researchers and research supporters involved in the management and administration of research funds bear responsibility, for the penetration of awareness regarding fraud prevention, for participating in compliance education (research ethics education) and signing a written pledge to not engage in fraudulent activities in the conduct of research, etc.
- 4 If suspicion of fraudulent activities arises, all researchers and research supporters involved in the management and administration of research funds must present scientific evidence and counter such suspicion on their own responsibility. Therefore, they bear responsibility for preserving research data such as papers, laboratory notebooks, and raw data for a certain period of time. The nature of the research data to be preserved and publicized, as well as the time period and method of preservation, shall take data properties and research field characteristics into consideration and shall be determined separately.

(Committee for the Prevention of Fraudulent Activities)

Article 7 A Committee for the Prevention of Fraudulent Activities shall be established under the Chief Administrative Officer.

- 2 The following parties shall compose the Committee for the Prevention of Fraudulent Activities. Except committee officers, committee members shall serve 2-year terms. Terms come to an end at the end of the academic year after members join the committee.
 - a. General Management Officer – committee chair
 - b. Vice President for General Affairs
 - c. Dean of the College of Liberal Arts
 - d. Dean of the Graduate School
 - e. Others with research experience and whom are appointed by the Chief Administrative Officer

- f. Others whom the Chief Administrative Officer deems necessary for the committee
- 3 The Committee for the Prevention of Fraudulent Activities shall be engaged in the following duties.
 - (1) Matters related to the devising and drafting of plans for the prevention of fraudulent activities
 - (2) Matters related to the advancement of plans for the prevention of fraudulent activities
 - (3) Matters related to the inspection of plans for the prevention of fraudulent activities
 - (4) Matters related to making improvements to deal with causes of fraudulent activities in research activities
- 4 The Center for Research Planning and Support shall serve as secretary for the Committee for the Prevention of Fraudulent Activities.

(Consultation liaison)

Article 8 Within the Center for Research Planning and Support shall be established a consultation liaison who can be contacted by organizations both within and external to the University regarding matters related to rules on use of competitive grants.

(Report liaison)

Article 9 Within the Auditor's Office shall be established a liaison (herein referred to as the 'report liaison') who can be contacted regarding accusations, consultations and information sharing on matters related to fraudulent activities (herein referred to as 'reports').

- 2 The General Management Officer shall determine the name, location and contact details for the report liaison and make it known to parties within and external to the University.

(Receipt of reports)

Article 10 Reports are to be made directly to the report liaison by letter, fax, e-mail, telephone, in person, etc.

- 2 In principle, reports are to bear the sender's name and must include the name of the party who carried out fraudulent activities, the nature of such conduct, an outline of the conduct committed, as well as a logical rationale for the fraudulent activities. Anonymous reports may also be dealt with as if they are signed reports, commensurate with the content of the report.
- 3 If reports are made in writing or some other manner by which the sender is unaware as to whether or not the report was received, the sender will be notified that the report was received.
- 4 If doubts are raised about fraudulent activities in the news or academic conferences, they shall be dealt with as written reports as outlined in clause 2.
- 5 In cases in which an accusation made in a consultation is not clear, the content of the accusation is to be confirmed and carefully investigated. If a reason commensurate with the accusation is found, then it is to be confirmed as to whether the individual making the report has intent or not. However, even in cases in which the intent for accusation cannot be made clear, it may be possible for the University to begin an investigation into the matter.

(Handling of reports)

Article 11 If a report has been received as per the previous article, the report liaison is to inform the Chief Administrative Officer and the General Management Officer in a timely manner.

- 2 With the approval of the Chief Administrative Officer, the General Management Officer is to investigate and confirm the content of the report, which indicates that fraudulent activities are being committed or solicited. When a commensurate reason is discovered, the individual

named in the report (herein referred to as ‘the accused’) will, in light of urgency, be given a warning. If the accused is not an employee of the University, a notification will be sent to his/her place of employment.

(Protection of accused and individual issuing accusation)

Article 12 If a report is received, no one other than the report liaison is to see or hear the report.

The report liaison must conform to appropriate methods in order to protect the confidentiality of the accused and the individual issuing the accusation.

- 2 Until the results of the investigation have been made public, those investigating the matter, that is, the report liaison and others assisting in the matter (herein referred to as ‘the investigators’), are to respect the wishes of the accused and the individual issuing the accusation and strictly protect their confidentiality and not allow any information about the matter to reach parties not involved in the investigation.
- 3 Those involved in the investigation are not to let information they have learned through the course of the investigation reach outside parties. This is the case even after they’re employment has come to an end.
- 4 If information has been leaked to outside parties, the Chief Administrative Officer may, with the approval of the accused and the individual issuing the accusation, explain the content of the investigation to the public. However, if the information was leaked by either the accused or the individual making the accusation, then it is not necessary to receive that individual’s approval.
- 5 Except in those instances in which reports are deemed based on malicious intent, no ill-effects are to be brought upon the individual making the accusation as a mere product of his/her making such accusation.
- 6 Without commensurate cause, no ill-effects are to be brought upon the accused (e.g., having his/her research stopped) as a result of simply having an accusation made against him/her.
- 7 Neither the Chief Administrative Officer, the General Management Officer, members of the Fraudulent Activities Investigation Panel (as set out in article 14) nor the report liaison may participate in an investigation in which he/she is either the accused or individual making the accusation.

(Investigating body)

Article 13 If the accused is an employee of the University, then, in principle, the University shall conduct the investigation into the matter.

- 2 If the accused is employed by multiple research organizations, then, in principle, the institution(s) sponsoring the research mentioned in the report shall lead the investigation together with the other research organizations with which the accused works.
- 3 If the accused is an employee of the University but the report concerns research conducted at another research organization, then the University will work together with this other research organization to investigate the matter.
- 4 If the accused has already left the employ of the University, then the research organization where the accused conducted his/her research at the time shall work together with the University to investigate the matter. However, if the accused is not conducting research under

any organization and the report deals with research that had been conducted at the University, then the University shall conduct the investigation.

- 5 The University may ask for the investigation to be conducted by or assisted by the research community, including other research organizations or academic associations, etc.

(Fraudulent Activities Investigation Panel)

Article 14 Based on reports, as noted in article 11, the Chief Administrative Officer is to establish in a timely manner a Fraudulent Activities Investigation Panel (herein referred to as ‘the Investigation Panel’).

- 2 The Investigation Panel is to be composed of the following members with more than half of its members being external experts who are not affiliated with ICU.
 - a. General Management Officer – panel chair
 - b. Vice President for General Affairs
 - c. Other educational staff members appointed by the Chief Administrative Officer
 - d. In formal investigations, as outlined in article 16, the panel may also include researchers not employed by the university but who are active in the filed concerned
 - e. Others whom the Chief Administrative Officer deems necessary for the committee
- 3 Members of the Investigation Panel may not include the accused, the individual issuing the accusation or have any direct interests the matter.
- 4 The Investigation Panel is to determine any points which must be defined for its operation.
- 5 If a formal investigation becomes necessary, the Chief Administrative Officer is to determine the authority of the Investigation Panel in relation to the investigation and inform the parties concerned.
- 6 The Auditor’s Office shall serve as secretary to the Investigation Panel.

(Initial investigation)

Article 15 The Investigation Panel is to conduct an initial investigation into the rationality of a report’s content and the feasibility of further investigation. The panel is to determine whether or not to conduct an formal investigation and is to report those results to the Chief Administrative Officer within 30 days of receipt of the report.

- 2 If an initial investigation involves a report on a thesis that was withdrawn prior to the submission of the report, then the initial investigation is also to determine whether or not to conduct a formal investigation into the circumstances leading up to the withdrawal of the thesis.
- 3 If it is determined that a formal investigation is not to be conducted, the Chief Administrative Officer is to inform the individual making the accusation of this fact as well as the reason such formal investigation is to be forgone. In such cases, the Chief Administrative Officer may keep documents used in the provisional investigation and make them public in accordance with the request of the individual issuing the accusation.

(Formal investigation)

Article 16 If, according to the previous article, it has been determined that a formal investigation is to be conducted, the Investigation Panel is to begin the formal investigation within 30 days of informing the Chief Administrative Officer.

- 2 The Chief Administrative Officer is to inform the accused and the individual issuing the accusation that a formal investigation is to be conducted and ask their cooperation with said

investigation. If the accused is employed at another research organization, the Chief Administrative Officer is also to inform the appropriate division of the organization. The Chief Administrative Officer is also to inform any organizations that have provided grants for research noted in the report (herein referred to as ‘the grant-issuing organization’).

- 3 The Chief Administrative Officer is to inform the accused and the individual issuing the accusation of the names and positions of the members of the Investigation Panel. The accused and individual issuing the accusation may object to the composition of the Panel within 10 days of being informed by the Chief Administrative Officer.
- 4 If, according to the previous clause, an objection is made, the validity of the objection is to be determined. At this time, the Chief Administrative Officer is to take appropriate action and inform the accused and the individual issuing the accusation of the results of such objection.

(Method of investigation)

Article 17 The Investigation Panel is to conduct their investigation by looking into the theses, experiments, observation notes, raw data and other documents including expenses, etc. and interviews with individuals involved with the research mentioned in the report. The Investigation Panel must have an interview with the accused.

- 2 If deemed appropriate by the Investigation Panel, the Panel may also look into research by the accused that was not mentioned in the report.
- 3 The Investigation Panel is to take steps to secure documents that may serve as evidence in relation to the research mentioned in the report. If the research was conducted at another research organization, the Panel is to request such documents as evidence from the appropriate research organization. If it does not influence these measures, the accused’s research is not to be restricted.
- 4 In the course of the investigation, full consideration is to be given to protecting information which ought to be kept confidential (information related to research and technique, unpublished data and theses, etc.) to the extent to which releasing such information is unnecessary to the investigation.

(Temporary measures in investigation)

Article 18 If a formal investigation is called for, the Chief Administrative Officer may stop the income and expenditure of research monies related to research mentioned in the report during the period until the investigation’s results have been reported upon.

- 2 If requested to do so by a grant-issuing organization, the Chief Administrative Officer may submit a mid-investigation report to said organization.

(Responsibility of the accused to provide explanation)

Article 19 If, in the formal investigation, the accused wishes to clear him/herself of suspicion related to fraudulent activities in research activities, he/she must take it upon him/herself to provide an explanation with academic foundation.

- 2 If, in the formal investigation, the accused wishes to clear him/herself of suspicion related to unjust use of research monies, he/she must provide an explanation with documentation to serve as evidence of such claims.

(To be determined by the Investigation Panel)

Article 20 The Investigation Panel is to submit a report of its findings to the Chief Administrative Officer within 150 days of the start of the investigation. The report is to determine the following points.

- (1) Whether fraudulent activities were committed or not
 - (2) If it is found that fraudulent activities were committed: the content of such conduct, who else was involved in such conduct and to what degree they were involved
 - (3) If it is found that fraudulent activities were not committed: whether the report was made with malicious intent or not; if it is found that the report was made with malicious intent, an opportunity must be given to the individual issuing the accusation to make an explanation
- 2 The panel may not take the accused's own testimony as the only form of evidence in determining fraudulent activities.

(Announcement of Investigation Panel's findings)

Article 21 The Chief Administrative Officer is to inform the accused and the individual issuing the accusation (and other individuals besides the accused who were considered to be involved in the fraudulent activities) of the Investigation Panel's findings in a timely manner.

- 2 The Chief Administrative Officer is to submit to any grant-issuing organizations a final report within 210 days of receiving a complaint, etc. Even if by some chance the investigation is not completed by the deadline, a mid-term report shall be submitted to grant-issuing organizations. If the accused is employed by another institution, the Chief Administrative Officer is to inform that body as well. If an investigation, which involved the withdrawal of theses before reports were made to the report liaison, finds fraudulent activities were committed, then the Panel is also to submit any corrective measures taken by the researcher whose paper was withdrawn and the background and circumstances to which those measures led.
- 3 If it was found that the report was made with malicious intent and the individual issuing the accusation is employed at an other organization, then the Chief Administrative Officer is to inform that organization of the panel's findings as well.

(Objections)

Article 22 If the accused is found to have committed fraudulent activities, the accused may make a formal objection to the Chief Administrative Officer in writing within 10 days from the date the Investigation Panel's findings are made known (i.e., the date noted in the previous article).

(Consideration of objections)

Article 23 Consideration of objections are to be considered by the Investigation Panel. However, if the objection involves issues with the composition of the Investigation Panel or its fairness, the Chief Administrative Officer may have the objection considered by another party.

- 2 The Investigation Panel is to consider the content of the objection and its reasons, and determine in a timely manner whether or not the matter is to be reinvestigated. The Chief Administrative Officer is to inform the accused and the individual issuing the accusation of those findings. Any grant-issuing organizations are also to be informed.
- 3 If it has been found that a reinvestigation is to be conducted, the Investigation Panel is to seek the cooperation of the accused in coming to a timely resolution. If the cooperation of the accused cannot be obtained, then it is possible for the investigation to be closed.

- 4 If a reinvestigation is begun, the Investigation Panel is to determine whether the initial investigation's findings are to be overturned or not and inform the Chief Administrative Officer of its findings. This is to be completed within 50 days of receipt of the objection.
- 5 The Chief Administrative Officer is to inform the accused and the individual issuing the accusation of the findings outlined in the previous clause. If the accused is employed by another institution, the Chief Administrative Officer is to inform that body as well. Any grant-issuing organizations are also to be informed.
- 6 If an objection is made according to the previous article, the Chief Administrative Officer may extend the time for measures to hold evidence (as per article 17, clause 3) and the time for temporary measures (as per article 18, clause 1). Extending such times may be done up until the time results on the re-investigation following an objection (as per the preceding clauses of this article) are reported on the Chief Administrative Officer.

(Objections from the individual issuing the accusation)

Article 24 If the individual issuing the accusation is found to have done so with malicious intent, objections may be made as outlined in article 22. Pursuant consideration and reinvestigation are to be conducted as per article 23.

(Public announcement of investigation's findings)

Article 25 If it is found that fraudulent activities were committed, the Chief Administrative Officer shall publicly announce the investigation's findings. However, if such fraudulent activities were committed in research activities involving theses that were withdrawn prior to receipt of the report, the names of individuals involved in the fraudulent activities and their positions may be withheld.

- 2 If it is found that fraudulent activities were not committed, then, in principle, the Chief Administrative Officer will not publicly announce the investigation's findings. However, the Chief Administrative Officer may make a public announcement if before such announcement information about the investigation has been leaked to outside parties, or if there were unintentional errors in theses, etc.
- 3 If it was found that the report was made with malicious intent, the Chief Administrative Officer is to publicly announce that no fraudulent activities were committed as well as the name of the individual issuing the accusation, his/her name, position, and reason his/her report was deemed made with malicious intent.

(Suspending research funds)

Article 26 If it is found that fraudulent activities were committed, the Chief Administrative Officer shall immediately suspend research funds of individuals who were found to have been involved in the fraudulent activities as well as thesis authors who are found to have been responsible for content of papers in which fraudulent activities in research were found (herein referred to as 'the found's group'). The Chief Administrative Officer shall also counsel the found's group to withdraw any such theses.

(Repealing measures)

Article 27 If it is found that no fraudulent activities were committed, the Chief Administrative Officer is to repeal measures for securing evidence (above, article 17, clause 3) and other temporary measures (article 18, clause 1).

- 2 In order to protect the honor of the accused's group, the Chief Administrative Officer shall inform any parties involved in the investigation that no instances of fraudulent activities were found.
- 3 If it is found that fraudulent activities were committed, the Chief Administrative Officer shall take necessary measures for correction and further prevention.

(Taking action)

Article 28 If it is found that fraudulent activities were committed and the found's group is employed by the University, the President is to take appropriate action based on Employment Regulations and other related regulations.

- 2 If it was found that the report was made with malicious intent and the individual issuing the accusation is employed by the University, the President shall take action as per the previous clause.

(Other)

Article 29 These regulations conform to the 'Guidelines on Responding to Fraudulent Activities in Research' (8 August 2006) , 'Guidelines on Management and Auditing of Public Research Funds at Research Organizations' (dated 15 February 2007, determined by the Minister of Education, Culture, Sports, Science and Technology, revised 18 February 2014) and 'Guidelines for dealing with fraudulent activities in research' (dated 26 August 2014, determined by the Minister of Education, Culture, Sports, Science and Technology). Other necessary matters are to be determined separately.

- 2 Revision or abolition of any part of these regulations is to be done by the President with the permission of the Committee for the Prevention of Fraudulent Activities and the Senate.

Supplementary provisions

- 1 The Japanese version of these regulations is to be considered the definitive word in dealing with matters covered herein. These regulations are effective from 1 January 2009.
- 2 These revised regulations are effective from 1 September 2014.
- 3 These revised regulations are effective from 1 April 2015.
- 4 These revised regulations are effective from 3 March 2017.