

*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.

Regulations for the Investigative Committee for Misconduct Concerning Research Activities at Tokyo University of Foreign Studies

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Article 1 Purpose

These regulations set forth the necessary matters for investigative committees established by the Office for the Prevention of Misconduct in Research Activities (hereinafter referred to as the “Office for Prevention of Misconduct”) in accordance with the Guidelines for the Prevention of Misconduct in Research Activities of Tokyo University of Foreign Studies (Regulation No. 71 of 2015).

Article 2 Preliminary Review Committee

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

2. The members of the preliminary review committee shall be appointed by the Chief Administrative Officer.

Article 3 Duties of the Preliminary Review Committee

Prior to the implementation of a formal investigation, the preliminary review committee shall carry out the following duties concerning the case in hand as instructed by the Office for Prevention of Misconduct.

- (1) Preliminary review of whether or not the allegation is reasonable, and the feasibility of a formal investigation.
- (2) Any other items deemed necessary by the Office for Prevention of Misconduct.

Article 4 Method of Preliminary Review

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 conduct a review to determine whether or not the details of the report of misconduct are reasonable and to ascertain the feasibility of a formal investigation by interviewing the parties concerned regarding the matters listed in the following items.

- (1) The possibility of misconduct in the research activity concerning which the allegation of misconduct has been made;
 - (2) Logic and rationale of scientific reasons presented in the allegation of misconduct;
 - (3) Matters concerning the degree of violation of laws and regulations or deviation from social norms in respect of the allegation;
 - (4) Matters related to the retention period of materials that may serve as evidence pertaining to the allegation.
2. During the preliminary review, measures may be taken to secure safekeeping of relevant documents that may serve as evidence for the formal investigation.
3. Where a preliminary review into an allegation of misconduct is made in respect of a 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 report the results of its review to the Chief Administrative Officer. The Chief Administrative Officer shall determine whether or not the matter should be investigated based on the results of this review.
4. The preliminary review committee shall report the results of its review to the Chief Administrative

Officer within approximately 30 days of receiving the original allegation.

Article 5 Investigative Committee

The investigative committee shall consist of four or more members for each individual case.

2. Investigators shall be selected by the Council of the Office for Prevention of Misconduct and appointed by the President.
3. At least half of the investigative committee shall be made up of external experts who do not have any direct connection with either the reporter of misconduct (the “reporter”) or the accused researcher (the “respondent”) and who do not belong to the University.

Article 6 Duties of the Investigative Committee

The investigative committee shall carry out the duties listed in the following items in relation to cases as instructed by the Office for Prevention of Misconduct.

- (1) Carry out the formal investigation (determination of whether or not misconduct has occurred);
- (2) Decide whether or not to open a new investigation following an appeal;
- (3) Carry out a new investigation (determination of whether or not to overturn the results of the original formal investigation);
- (4) Report the results of investigations to the Office for Prevention of Misconduct;
- (5) Any other items deemed necessary by the Office for Prevention of Misconduct.

Article 7 Method of Formal Investigation

The investigative committee shall commence its formal investigation within approximately 30 days from the date on which the Office for Prevention of Misconduct decides that a formal investigation should be carried out.

2. 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 people involved in the case.
3. The investigative committee shall provide an opportunity for the respondent to give an explanation of their actions
4. The investigative committee may request the respondent to give some more background information on their explanation.
5. 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 this process is simply aimed at prolonging the investigation of the case in question, the committee will not accept any request to allow the respondent to prove their case.
6. The investigative committee shall take measures to secure the safekeeping of any materials that may serve as evidence regarding the research pertaining to the allegation of misconduct. In this case, there will be no restriction on the respondent’s research activities provided that this does not affect the aforementioned safekeeping measures.
7. In the course of the investigation, the investigative committee shall give due consideration to ensuring that information that must be kept confidential for research or technical purposes, such as pre-publication data, papers or similar documents pertaining to the investigation, is not leaked outside the scope necessary to carry out the investigation.

Article 8 Determination

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 nature 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 with regard to the paper itself and 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 (1) through (4) in Article 2 of the Guidelines, provided that the reasons for the delay and the scheduled date of determination are notified to the Chief Administrative Officer 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. Note, however, that misconduct cannot be determined based solely on the respondent's own statement.

3. If the respondent's explanation and other evidence does not refute the suspicion of misconduct, or if the respondent is unable to provide sufficient evidence to refute the suspicion of misconduct due to a lack of the basic research components that should normally exist, such as research materials and numerical data used for the paper, the investigative committee may determine that misconduct has taken place.

4. The investigative committee shall determine the degree of accountability of the respondent and the criteria for basic research components that should normally exist according to the characteristics of the research field.

5. Where it is determined that no misconduct has been committed and the allegation is found to be based on malicious intent, the investigative committee shall ask the reporter to offer a defense and make its determination to this effect.

Article 9 Notification and Reporting

The investigative committee shall immediately report the results of its determination to the Office for Prevention of Misconduct.

2. Notwithstanding the provisions of the preceding paragraph, if a partial act of misconduct is confirmed in the course of the investigation, the details shall be promptly reported to the Office for Prevention of Misconduct.

Article 10 Duties and Authority of the Investigative committee

The investigative committee may request cooperation from other research institutions if this is deemed necessary for its formal investigation.

2. In addition to the research related to the allegation, the investigative committee may include other research activities of the respondent that are relevant to the investigation at its own discretion.

Article 11 Opening a New Investigation

The investigative committee shall open a new investigation into the matter if the Office for Prevention of Research Misconduct instructs it to do so.

2. In opening a new investigation, the investigative committee shall request the respondent to submit material that they deem sufficient to overturn the results of the original investigation and to cooperate with the new investigation to promptly resolve the case.

3. The investigative committee may discontinue the review without opening a new investigation if it determines that the respondent will not cooperate in the investigation.

4. The investigative committee shall decide whether or not to overturn the results of the original investigation within approximately 50 days after opening a new investigation, and shall immediately report the results to the Office for Prevention of Misconduct.

Article 12 Miscellaneous

In addition to what is provided for in these Regulations, necessary matters concerning the investigative committee shall be determined separately by the Office for Prevention of Misconduct.