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Activities at Hiroshima University

(Regulation No. 98 of April 28, 2015)

**Amendments** Regulation No. 98 of April 1, 2016; Regulation No. 197 of September 21, 2016;  
Regulation No. 63 of March 31, 2017; Regulation No. 64 of May 10, 2018;  
Regulation No. 80 of April 1, 2018; Regulation No. 15 of March 4, 2019  
Regulations for Preventing and Responding to Misconduct Related to Research Activities at  
Hiroshima University

(Objectives)

Article 1 These regulations define the necessary procedures for preventing and responding to misconduct related to research activities at Hiroshima University (hereafter referred to as the University ) pursuant to the provisions of Article 18 of the Hiroshima University Policies and Regulations (Regulation No. 1 of April 1, 2004).

(Definitions)

Article 2 The terms used in these regulations are defined as below.

(1) Misconduct Related to Research Activities

includes the following activities:

- A. Fabrication (meaning making up non-existent data, research results, etc.), Falsification (meaning manipulation of research materials, equipment, or processes, or changing data or results obtained through research activities and related activities to make them untrue), or Plagiarism (meaning appropriation of ideas, analysis or analysis methods, data, research results, research papers, or terminology of other researchers without the researcher's consent or without providing due credit), either intentionally or through gross negligence of the basic duty of care that a researcher should observe.
- B. Destruction of evidence or obstruction of proof of any of the acts listed in A (including concealment, destruction, and failure to prepare materials such as experiment records and other materials indispensable for conducting additional experiments or reproductions).

(2) Researcher refers to an employee or student of the University who is engaged in research activities at the University or any individual who uses the facilities and equipment of the University to conduct research activities.

- (3) Department refers to any of the University Schools (for undergraduate level) and Graduate Schools, Attached Research Institutes, Hospital, Library, Headquarters for Education, National Joint Usage Facilities, Joint Usage Facilities for National Universities in the Chugoku/Shikoku Area, Joint Education and Research Facilities on Campus, Joint Usage Facility on Campus, Attached Schools, Office of University Strategy, Office of Global Initiatives, Office of Funding, Audit Office, Offices of the Executive Vice Presidents, Higashi-Hiroshima Campus Management Support Office, and Kasumi Campus Management Support Office.

(Responsibilities of Researchers)

Article 3 Researchers shall conduct their research activities in compliance with the Hiroshima University Code of Conduct for Scientists (approved by the Education and Research Council and the Executive Board on March 13, 2007).

- 2 Researchers shall receive training on research ethics and laws and regulations pertaining to research activities (hereafter referred to as research ethics education ) through training, curricular subjects, and other methods.
- 3 The Executive Vice President (Research) (hereafter referred to as the EVP ) shall determine the required contents of research ethics education.
- 4 Researchers shall ensure the means to verify the validity of their research activities, and in order to allow third-party verification of their research activities, they shall appropriately store and manage the materials (meaning documents, numerical data, images, etc.) and other samples (meaning experimental samples, specimens, etc.) pertaining to research activities, the apparatus, and any other materials created or used in the chain of research activities (hereafter referred to as research materials ) that led to the research results.
- 5 The EVP shall determine the items necessary for the preservation of research materials.

(Responsibilities of the University President)

Article 4 As the person with the ultimate responsibility for improving research ethics and preventing research misconduct at the University, the President shall take measures necessary to promote integrity in research activities.

(General Supervisor)

Article 5 The EVP shall be appointed as a General Supervisor at the University who shall have substantial authority and responsibility for the overall management of the University with respect to improving research ethics and preventing research misconduct.

(Research Ethics Education and Awareness Activities)

Article 6 The General Supervisor shall conduct research ethics education and awareness activities in cooperation with the Research Ethics Education Supervisor appointed pursuant to Article 8.

(Responsibilities of the Heads of the Departments)

Article 7 The heads of the departments, as the individuals responsible for the improvement of research ethics and the prevention of misconduct in research activities in those departments,

committed research misconduct (hereafter referred to as the Accused ), the mode of research misconduct, and other details of the case are clearly indicated and scientific and rational reasons for the misconduct are presented.

- 2 Notwithstanding the provisions of the preceding paragraph, an anonymous complaint may be received if the contents of the complaint are considered to be of reasonable credibility or if the General Supervisor deems it necessary.
- 3 A complainant may wish to keep their identity secret from the Accused and other people involved in the complaint in subsequent proceedings.
- 4 When the contact for complaint receives a complaint, it shall promptly report it to the President and the General Supervisor.
- 5 Upon receiving the report as provided in the preceding paragraph, the General Supervisor shall notify the person making the complaint (excluding cases of anonymous complaints. Hereinafter referred to as the Complainant ) of the receipt of their complaint.
- 6 Upon receiving the report as set forth in paragraph 4, the General Supervisor shall notify the Head of the Department which the Accused belongs to or is affiliated with and inform them of the details of the complaint.
- 7 If a suspicion of research misconduct is raised by the press, the research community, the Internet, or any method other than a complaint or consultation (limited to cases in which the name of the Accused, the mode of the research misconduct, and other details of the case are clearly indicated and scientific and rational reasons for the misconduct are presented), the General Supervisor may handle it similarly to anonymous complaints.

(Consultation for Complaints)

Article 14 A person who suspects research misconduct or has doubts about the appropriateness or procedure of a complaint may consult with the complaint contact.

- 2 In case of consultations without a clear indication of an intent to complain, the complaint contact shall verify the details of the complaint, and if it finds that there are reasonable grounds for doing so, shall confirm the intention of the person who consulted with it (hereafter referred to as the Consulter ) to file a complaint.
- 3 If the complaint contact responds to a consultation that research misconduct is about to take place or that research misconduct is being requested, it shall inform the President and the General Supervisor.
- 4 When the President or the General Supervisor receives the report described in the preceding paragraph, they shall confirm the contents of the report and, if they find it necessary, shall issue a warning to the person related to the contents of the consultation.

(Duties of the Staff of the Complaint Contact)

Article 15 When responding to a complaint or a consultation, the staff of the complaint contact must ensure the confidentiality and protection of the Complainant (including anonymous complaints. Hereafter, the term shall encompass them both.) or Consulter.

(Mala Fide Complaints)

Article 16 No one shall make mala fide complaints (meaning any complaint made solely to incriminate the Accused, obstruct their research, or cause detriment to them in any way, or cause detriment to the organization that the Accused belongs to/is affiliated with. Used in this meaning below.)

- 2 In the event that the University determines that the complaint was mala fide, the University may take necessary measures such as disclose the Complainant's name and assigned or affiliated institution and other necessary details, take disciplinary measures, start criminal procedures, and take any other measures.
- 3 When the President has taken measures set forth in the preceding paragraph, the President shall notify the details of the measures taken to the organization that allocated the competitive funding (hereafter referred to as the funding agency ) used for the research activities in question and other expenses (hereafter referred to as research funds ) and the organization that established the guidelines for dealing with such research misconduct (hereafter referred to, with the exception of those noted in Article 51, as relevant organizations ).

(Conducting a Preliminary Inquiry)

Article 17 When the General Supervisor receives a report according to Article 13 paragraph 4 and deems it necessary to conduct a preliminary inquiry, or a preliminary inquiry is deemed necessary for other reasons, the General Supervisor shall instruct the head of the department to which the Accused belongs or is affiliated to establish a preliminary inquiry committee.

- 2 In the situation described in the preceding paragraph, if the complaint is against a paper that has already been withdrawn, the circumstances that led to the withdrawal of the paper, and whether the complaint should be investigated as a matter of research misconduct, shall be investigated, and the necessity of a preliminary inquiry shall be determined.
- 3 The possibility of research misconduct in the research activity regarding which the complaint was made, the rationale for the scientific and rational reasons presented at the time of the complaint, the investigability of the case in this investigation as stipulated in Articles 20 to 29, and other matters deemed necessary shall be examined in the preliminary inquiry.

(Preliminary Inquiry Committee)

Article 18 The preliminary inquiry committee shall comprise three or more people appointed by the head of the department who have no personal stake in the outcome

2 The preliminary investigative committee may, as necessary, request that the Accused or any other concerned people submit research materials and other documents related to the case necessary for conducting the preliminary inquiry or hold hearings.

3 The preliminary inquiry committee shall take measures to preserve research materials and relevant documents related to the case that may serve as evidence for this investigation as prescribed in Articles 20 to 29.

(Preliminary Inquiry Report)

Article 19 The head of the department shall report the results of the preliminary inquiry to the General Supervisor within 30 days from the date of receiving the instructions to set up the preliminary inquiry committee.

2 Upon receiving the preliminary inquiry result as per the preceding paragraph, the General Supervisor shall promptly report it to the President.

(Investigation)

Article 20 Upon receiving the report as described in paragraph 2 of the preceding Article, the President shall promptly determine whether it is necessary for the University to conduct an investigation.

2 If the President determines it is necessary to conduct this investigation, the President shall appoint a misconduct investigative committee (hereinafter referred to as Investigative Committee ).

3 If the President determines it necessary to conduct an investigation, the President shall notify the Complainant and the Accused to that effect and request their cooperation in the investigation.

4 If the President determines it necessary to conduct an investigation, the President shall inform the funding agency and the relevant organizations regarding this investigation.

5 If the President determines it is not necessary to conduct an investigation, the President shall notify the Complainant with the reasons for the same.

6 In the event that the President determines it is not necessary to conduct an investigation, the President shall preserve the materials related to the preliminary inquiry. In this situation, if the Complainant or the funding agency requests the disclosure of the materials, the President shall respond to the request.

(Investigative Committee)

Article 21 The Investigative Committee members shall be composed of the following.

(1) One Vice President nominated by the President

(2) A few trustees of the Education and Research Council nominated by the President

- (3) A few people with expertise in the research field of the research activities related to the case
  - (4) A few people with knowledge of the law
  - (5) A few other people deemed necessary by the President
- 2 The majority of the committee members shall be people from outside the University.
  - 3 The committee members shall not have a direct stake in the outcome of the Accused or the Complainant.
  - 4 The members shall be appointed or nominated by the President.
  - 5 The Investigative Committee shall be chaired by the person described in item 1 of paragraph 1.
- Article 22 When an Investigative Committee is established pursuant to the provision of Article 20-2, the General Supervisor shall notify the Accused and the Complainant of the names and assignments or affiliations of the people to be appointed or nominated as members of the Investigative Committee (hereafter referred to as prospective members ).
- 2 If the Accused or the Complainant have an objection to a prospective member, the Accused or the Complainant may file an objection in writing to the General Supervisor within 7 days of receiving the notification set forth in the preceding paragraph.
  - 3 In case a formal objection is filed in accordance with the preceding paragraph, the General Supervisor shall set up a committee to review the formal objection (hereafter referred to as Review Committee ).
  - 4 The Review Committee shall be composed of three or more people nominated by the General Supervisor who have no stake in the outcome of the Accused or the Complainant.
  - 5 In case the details of the formal objection are found to have merit, the President shall replace the prospective committee member.
  - 6 The General Supervisor shall inform the Accused and the Complainant of any changes in the prospective committee members as per the provisions in the preceding paragraphs.

(Conducting the Investigation)

Article 23 The Investigative Committee shall commence this investigation within 30 days from the date on which this investigation was determined necessary according to Article 20-1. However, this shall not apply in cases where there are reasonable grounds that prevent commencement within 30 days.

Article 24 In addition to the research activities pertaining to the case, the Investigative Committee shall examine other research of the Accused in relation to this investigation (hereafter referred to as related research activities ).

- 2 The Investigative Committee shall conduct this investigation via the following procedure.

- (1) Interviewing of the Accused, the Complainant, and other related parties (hereafter referred to as Subjects of Investigation )
  - (2) Examination of Evidence (research materials and other related documents that serve as evidence for this investigation, such as research activity materials [including related research activities. Referred to as such below.] Referred to hereafter as Evidence )
  - (3) Any other investigation found reasonably necessary
- 3 In conducting this investigation, the Investigative Committee shall provide an opportunity for the Accused and any person found to be involved in or possibly responsible for the case to present a defence in the course of this investigation.
  - 4 The Subjects of the Investigation shall cooperate with this investigation in good faith for the smooth conduct of this investigation.

(Preservation of Evidence)

Article 25 The Investigative Committee shall take measures to preserve evidence.

- 2 If the research institute where the research activities related to the complaint were conducted is not part of the University, the Investigative Committee shall request the research institution to take measures to preserve the evidence.
- 3 The Investigating Committee shall not restrict the research activities of the Accused except as provided in the preceding two paragraphs.
- 4 The chairperson shall, while taking the measures under paragraph 1, take them with the minimum necessary scope and duration and shall obtain the consent of the head of the department in advance.
- 5 When the Investigative Committee conducts an investigation of preserved evidence, two faculty members nominated by the head of the department which the Accused is assigned to or affiliated with shall be present.

(Re-experimentation)

Article 26 The Investigative Committee may require the Accused to demonstrate the reproducibility of the research activities related to the case by re-experimentation or other means (hereafter referred to as re-experimentation ).

- 2 In cases in which the Accused proposes re-experimentation, if the Investigative Committee deems it necessary, the opportunity for re-experimentation shall be guaranteed to the extent deemed reasonably necessary by the Investigative Committee.
- 3 Re-experimentation shall be carried out under the guidance and supervision of the Investigative Committee.

(Accountability for Allegations of Misconduct)



Article 27 In this investigation, if the Accused intends to clear the allegations, it is their responsibility to explain, with scientific evidence, that the research activities pertaining to the case in question were conducted in accordance with scientifically appropriate methods and procedures and that the articles and related products were written with appropriate expressions based on scientifically appropriate methods and procedures.

(Protection of Research or Technical Information in Investigations)

Article 28 In conducting this investigation, the Investigative Committee shall take sufficient care not to divulge research or technical confidential information such as pre-publication data, papers, and so forth pertaining to the case in question, to the extent necessary for the implementation of this investigation.

(Interim Report of this Investigation)

Article 29 The President shall, upon request from the funding agency, submit an interim report of this investigation to the funding agency before the completion of this investigation.

(Determinations)

Article 30 The Investigative Committee shall summarize the results of this investigation within 150 days from the commencement of this investigation and shall determine whether any research misconduct has been committed in research activities in this case.

- 2 If there are reasonable grounds for not being able to reach a determination within 150 days, the Investigative Committee shall provide the President with the reasons and the expected date of determination for approval.

Article 31 In the event that the Investigative Committee determines that research misconduct has taken place, it shall determine the contents of the misconduct, the people involved in the misconduct and the degree of their involvement, the role of the authors of the articles pertaining to the research activities in which the research misconduct is determined to have taken place, and other necessary matters.

Article 32 If the Investigative Committee determines that no research misconduct has taken place and if it determines through this investigation that the complaint was mala fide, it shall make a determination to that effect.

- 2 In making the determination pursuant to the preceding paragraph, the Investigative Committee shall give the Complainant an opportunity to provide an explanation.

Article 33 If the determinations of the Committee substantiate misconduct under Article 30-1, Article 31, or Article 32-1, it shall immediately report the results of this investigation and the details of the findings to the President.

- 2 Upon receiving the report set forth in the preceding paragraph, the President shall report the result and findings of this investigation to the funding agency and relevant organizations.

3 The General Supervisor shall notify the results of this

2 Notwithstanding the provisions of the preceding paragraph, the President may replace or add members (referred to as change in the subsequent paragraphs) or replace the Investigative Committee if they find that a new judgment that requires expertise is necessary.

3 When the members of the Investigative Committee are changed pursuant to the preceding paragraph, it shall be in accordance with the provisions of Article 21-1 to 21-4.

Article 37 If the Investigative Committee (including people examining the appeal on behalf of the Investigative Committee pursuant to the provisions of Article 36-2; the same shall apply hereafter) decides that the appeal should be dismissed without reinvestigation, they shall promptly report this decision to the President.

2 The General Supervisor shall notify the individual who filed the appeal (hereafter referred to as the Appellant ) of the rejection of the appeal. In case the Investigative Committee determines that the main purpose of the appeal is a prolongation of the case or postponement of the measures taken in recognition of the case, the Investigative Committee shall also notify the Appellant that no further appeals will be accepted.

3 The General Supervisor shall notify the Complainant in case the appeal was filed by the individual found to have committed misconduct, or the Accused in case the appeal was filed by the person found to have filed a mala fide complaint, of the dismissal of the appeal.

4 When the President receives the report under paragraph 1, the President shall report the dismissal of the appeal to the funding agency and relevant organizations.

Article 38 The Investigative Committee shall immediately report to the President if it decides to conduct a reinvestigation.

2 When the President receives the report set forth in the previous paragraph, the President shall notify the funding agency and relevant organization of the same.

Article 39 The General Supervisor shall inform the Appellant of the reinvestigation.

2 The General Supervisor shall notify the Complainant in case the appeal was filed by the individual found to have committed misconduct, or the Accused in case the appeal was filed by the person found to have filed a mala fide complaint, and the head of the department to which the Appellant belongs to or is affiliated with, of the decision to reinvestigate. In this situation, if the Appellant belongs to an organization other than the University, the General Supervisor shall notify the concerned organization.

Article 40 If the Investigative Committee decides to conduct a reinvestigate, it shall ask the Appellant to submit materials that the Appellant believes are sufficient to overturn the results and findings of the previous investigation and shall also ask the Appellant for their cooperation for the reinvestigation.

- 2 In the event that the Appellant does not respond to the request set forth in the preceding paragraph, the Investigative Committee may decide not to reinvestigate.
- 3 If the Investigative Committee makes the decision as set forth in the preceding paragraph, the Committee shall promptly report to the President.
- 4 Upon receiving the report as set forth in the preceding paragraph, the President shall inform the related funding agency and other relevant organizations that there will be no reinvestigation.
- 5 The General Supervisor shall notify the Complainant in case the appeal was filed by the individual found to have committed misconduct or the Accused in case the appeal was filed by the person found to have filed a mala fide complaint and the head of the department which the Appellant belongs to or is affiliated with of the decision not to reinvestigate. In this situation, if the Appellant belongs to an organization other than the University, the General Supervisor shall notify the concerned organization.

(Reinvestigation)

Article 41 The Investigative Committee shall decide whether to overturn the results and findings of the investigation within 50 days from the date of commencement of the reinvestigation (this is limited to the reinvestigation of an appeal filed by people found guilty of misconduct. The same applies in the subsequent paragraphs).

- 2 If the Investigative Committee makes the decision as set forth in the preceding paragraph, the Committee shall promptly report to the President.
- 3 Upon receiving the report as set forth in the preceding paragraph, the President shall inform the related funding agency and other relevant organizations regarding the results of the reinvestigation.
- 4 The General Supervisor shall notify the results of the reinvestigation to the Appellant, Complainant, and the head of the department which the Appellant belongs to or is affiliated with. In this situation, if the Appellant belongs to an organization other than the University, the General Supervisor shall notify the concerned organization.
- 5 If there are reasonable grounds for not being able to make a decision on the reinvestigation within 50 days, the Investigative Committee shall provide these reasons and the expected date of the decision to the President for approval.

Article 42 The Investigative Committee shall report the results of the reinvestigation (limited to reinvestigation of appeals filed by individuals who were found to have filed mala fide complaints. This shall apply in the subsequent paragraphs) to the President within 30 days from the date of commencement of the reinvestigation.

- 2 Upon receiving the report as set forth in the preceding paragraph, the President shall inform the related funding agency and other relevant organizations regarding the results of the reinvestigation.
- 3 The General Supervisor shall notify the Appellan

is affiliated with to take corrective measures, and in addition, as necessary, corrective action may be taken by the University as a whole.

- 3 When the President has taken corrective action based on the recommendation of paragraph 1, the President shall report the same to the funding agency and the relevant organizations.

(Disciplinary Action)

Article 47 The University may take disciplinary action against a person who is found to have committed research misconduct in accordance with the University regulations.

- 2 When the measures prescribed in the preceding paragraph are taken, the funding agency and relevant organizations shall be notified of the details of the disciplinary action.

(Obligation to Maintain Confidentiality)

Article 48 No individual engaged in duties related to the prevention of and response to research misconduct shall divulge any confidential information that may become known to them in the course of their duties. The same shall apply after they have ceased to be engaged in duties related to research misconduct.

- 2 No individual engaged in the investigation of research misconduct shall divulge any confidential information that may become known to them in the course of their investigative duties.

- 3 The University may take disciplinary action against anyone who has inflicted adverse treatment on the Complainant or Consuler in accordance with the University regulations.

(Protection of the Accused)

Article 50 No person belonging to the University shall inflict adverse treatment on the Accused simply because of being accused.

- 2 The University may take disciplinary action against anyone who has treated the Accused adversely in accordance with the University regulations.
- 3 The President shall not impose total prohibition of research activities, disciplinary action, and so forth on the Accused simply because a complaint has been made.

(Liaison and Contact with the Relevant Organizations)

Article 51 The General Supervisor may, as necessary, engage in liaison and discussion, such as information exchange, with relevant organizations within and outside the University.

(Administration)

Article 52 The administration for preventing and responding to research misconduct shall be handled by the Support Group of the Department of Research and Academia-Government-Community Collaboration with the cooperation of the departments.

(Miscellaneous Provisions)

Article 53 In addition to what is stipulated in these regulations, additional matters necessary for the prevention and response to research misconduct shall be separately specified.

#### Supplementary Provisions

- 1 These regulations shall be adopted on April 1, 2015, and take effect starting on April 28, 2015.
- 2 The Hiroshima University Regulations for Preventing and Responding to Misconduct Related to Research Activities (Regulation No. 8 of March 13, 2007) is hereby repealed.
- 3 For investigations pertaining to complaints against research activities conducted with research funds allocated or appropriated before the academic year 2014, the previous regulations shall remain applicable.

Supplementary Provisions (Regulation No. 98 of April 1, 2016)

These regulations shall take effect on April 1, 2016.

Supplementary Provisions (Regulation No. 197 of September 21, 2016)

These regulations shall take effect on September 21, 2016, and the provisions of the Regulations for Preventing and Responding to Misconduct Related to Research Activities at Hiroshima University, as amended by these regulations, shall be adopted starting on July 26, 2016.

Supplementary Provisions (Regulation No. 63 of March 31, 2017)

These regulations shall come into effect on April 1, 2017.

Supplementary Provisions (Regulation No. 64 of May 10, 2018)

These regulations shall come into effect on May 10, 2018.

Supplementary Provisions (Regulation No. 80 of April 1, 2018)

These regulations shall come into effect on April 1, 2018.

Supplementary Provisions (Regulation No. 15 of March 4, 2019)

These regulations shall come into effect on March 4, 2019.