

## **Rules for Preventive Measures against Research Misconduct and the Investigation Procedures**

(Regulation 07-01, April 6, 2007)

Administered by the Research Management Section Manager

### **(Purpose)**

Article 1 These rules are intended to ensure that the University fulfills its social responsibility and secures (a) the reliability and fairness of research carried out and (b) an environment for free research at the University, by clarifying the measures to prevent misconduct in research activities and in the handling of research funds by all those engaged in research activities at the University; and by laying down the investigation procedures.

### **(Definitions)**

Article 2 “Researchers” in these rules shall mean those described below:

- (i) Full-time faculty, part-time faculty, researchers and administrative staff who are involved in research activities at the University.
- (ii) Students who are involved in research activities at the University.
- (iii) Those who are involved in research activities using research funds, facilities or equipment of the University.

2 “Misconduct Regarding Research Activities” in these Rules shall refer to any of the following acts committed intentionally or as a result of significant negligence in exercising the due care expected of Researchers with respect to any data or study results shown in a paper submitted to a journal or any other research outcomes published, or any act that assists such an act:

- (i) Fabrication:

Creation of nonexistent data or research outcomes

- (ii) Falsification:

Manipulation of data or results of research activities so that they contain false information by changing research materials, equipment, or processes

- (iii) Plagiarism:

Use of another researcher’s idea, method of analysis, data, research outcomes, research paper content or terms without obtaining permission from that researcher or without appropriate attribution

- (iv) Other forms of misconduct:

Other misconduct that deviates significantly from researchers’ ethics in light of the Code of Conduct for Scientists and socially accepted norms, such as the double submission of a paper on research outcomes and inappropriate authorship

3 “Research Funds” in these Rules shall refer to the research funds that the University issues to Researchers and the research funds that Researchers receive from outside sources.

4 “Public Research Funds” in these rules shall refer to the following:

- (i) Publicly invited research funds, centered around competitive funds allocated by the Ministry of Education, Culture, Sports, Science and Technology (MEXT) or by incorporated administrative agencies under the jurisdiction of MEXT.

(ii) Research Funds allocated by governmental institutions, independent administrative agencies, local public entities, government-affiliated corporations, or other entities aside from those in the item (i) above.

5 “Misconduct Regarding the Handling of Research Funds” in these Rules shall refer to the following acts, and conduct supporting such acts, done at the University:

(i) Having the University pay the costs of fictitious transactions and having businesses, suppliers, or other persons manage the money as a deposit;

(ii) Having the University pay the cost of articles or other objects by submitting false applications for such different articles or objects to the University;

(iii) Having the University pay for business trip travel expenses by submitting falsified applications for such expenses to the University;

(iv) Having the University compensate research assistants or other persons by submitting falsified applications for work by such personnel to the University;

(v) Spending money for purposes other than those specified in the law, in the University’s regulations, or in the guidelines regarding the usage of the Research Funds concerned (hereafter “Laws and Regulations”).

6 “Allocating Organizations” in these rules shall refer to entities such as governmental institutions, independent administrative agencies, local public entities, and government-affiliated corporations that allocate Public Research Funds specified in item 4 above.

7 “Malice” in these rules shall mean intending to inflict some sort of damage on the Investigated Person(s) prescribed in the second paragraph of No. 5 of Article 11, or intending to cause disadvantage to the institution or organization to which the Investigated Person(s) belongs.

8 In these rules, “Research-related materials” shall refer to materials produced in the course of research activities, e.g., written documents, numerical data and images and tangible objects such as experiment samples, specimen and equipment.

### **(Prohibition of Misconduct, and preservation and disclosure of research-related materials)**

Article 3 Researchers shall not commit any Misconduct Regarding Research Activities or any Misconduct Regarding the Handling of Research Funds (collectively, “Misconduct”) and Researchers shall make efforts to prevent Misconduct.

2 Aiming at establishing means of verifying the appropriateness of their research activities, researchers shall preserve research-related materials properly in order to ensure verifiability by third party.

3 Researchers shall disclose the relevant Research-related materials in the case where the Academic Research Ethical Review Committee, as stipulated in Article 7-1, or the investigative committee, as stipulated in Article 12-1, judges it necessary to disclose the materials related to the relevant research activities.

### **(Chief Administrative Officer)**

3-2 The University shall provide a Chief Administrative Officer who is ultimately responsible for the

administration and management of Public Research Funds, and shall appoint the President to this position.

3-2-2 The Chief Administrative Officer shall draw up the basic policy for measures for the prevention of misconduct regarding the handling of Public Research Funds, and shall disseminate the policy; and shall make the necessary preparations so that a Deputy Chief Administrative Officer, as described in the following paragraph, and an Administrative Officers for Research Ethics Promotion, as described in sections 3-4, can conduct proper administration and management of Public Research Funds.

**(Deputy Chief Administrative Officer)**

3-3 The University shall establish the post of Deputy Chief Administrative Officer, to assist the Chief Administrative Officer and to have the responsibility and authority to control the administration and management of Public Research Funds. The Vice President for Research Promotion shall be appointed to this post by the President.

3-3-2 The Deputy Chief Administrative Officer shall draw up concrete measures for the entire University in accordance with the basic policy described in paragraph 2 of the preceding Article, and shall instruct the Administrative Officers for Research Ethics Promotion to execute the measures, and shall confirm the status of execution and report it to the Chief Administrative Officer regularly.

**(Administrative Officer for Research Ethics Promotion)**

3-4 The University shall establish post of Chief Administrative Officer for Research Ethics Promotion, to have the responsibility and authority to control the administration and management of Public Research Funds. The head of the relevant department shall be appointed to this post.

3-4-2 The Administrative Officer for Research Ethics Promotion shall carry out the tasks prescribed in the following paragraphs, under the instruction of the Deputy Chief Administrative Officer:

- (i) Executing the measures for the under their management or instruction, confirming the status of execution and reporting it to the Deputy Chief Administrative Officer.
- (ii) Having Researchers take research ethics education as described in 2 of Article 6, in order to promote the prevention of misconduct regarding the handling of Research Funds.
- (iii) Supervising the management and execution of Public Research Funds in the department that they manage or where they instruct, for improvement as needed.

3-4-3 The Administrative Officer for Research Ethics Promotion may appoint a deputy Administrative Officer for Research Ethics Promotion, as needed.

**(Administrative Officer for Research Ethics Education)**

3-5 The University shall provide Administrative Officers for Research Ethics Education in each department of the University in order to promote the prevention of misconduct regarding research activities at the University.

3-5-2 Administrative Officers for Research Ethics Education shall be the heads of each department of the University.

3-5-3 Administrative Officers for Research Ethics Education must have Researchers take training or

courses in Research Ethics, as indicated in the first paragraph of Article 6.

### **(Administrative Officers for the Investigation of Research Misconduct)**

3-6 The University shall provide Administrative Officers for the Investigation of Research Misconduct who are in charge of treating misconduct related to research activities at the University and the Vice President for Research Promotion shall be appointed for this post by the President.

3-6-2 Administrative Officers for the Investigation of Research Misconduct shall control the entire investigation when a suspicion of misconduct regarding research activities arises. They shall also plan, create and manage an organization and a system so that such investigations are smoothly executed.

### **(Roles of Inspectors)**

3-7 Each inspector shall regularly check the concrete measures for the entire University stipulated in paragraph 2 of Article 3-3 and the status of execution thereof as well as the status of design and implementation of internal controls over the prevention of Misconduct regarding the handling of Public Research Funds, and express his/her opinions to the Chief Administrative Officer and the Deputy Chief Administrative Officer.

### **(The University's Treatment of the Handling of Research Funds)**

Article 4 The University shall appropriately manage Research Funds and confirm whether expenditures granted to Researchers are reasonable at the time of granting or thereafter.

2 The Researchers and related departments shall take responsibility for managing the accounting process regarding Research Funds. The procedures for accounting of Research Funds shall be based on the accounting rules of the University (Keiri-Tatsu No. 1, 1972) and other related rules, guidelines, and procedures regarding accounting.

3 The University shall keep documents regarding the acquisition and execution of Research Funds, documents regarding reports of the outcomes of research using Research Funds, and any other documents regarding Research Funds for the period indicated in the Rules for Retaining Documents (Shobun-tatsu No. 22, 1973).

### **(Presentation of Written Oath)**

Article 5 Any person involved in the operation and management of public research funds at Waseda University must submit to the head administrative officer, using the prescribed method, a written oath vowing adherence to the stipulations listed below.

(i) Shall comply with the university's rules and other regulations.

(ii) Shall never be involved in misconduct.

(iii) If found to be involved in misconduct in violation of the University's rules or other regulations, shall be legally liable; and shall be liable for punishment by the University and the granting public research fund allocation organization.

2 The extent to which persons are involved in the operation and management of public research funds

prescribed in the preceding item shall be separately determined by the Academic Research Ethical Review Committee, as stipulated in Article 7-1.

**(Training and Instruction regarding research ethics)**

Article 6 All Researchers participating in research projects using Public Research Funds at the University shall attend the appropriate training, instruction, or other procedures provided for below, depending on the classification of the Researcher:

- (i) Researchers who are not graduate students must attend instruction-training sessions for prevention of violation of Laws and Regulations regarding research activities provided by the University;
- (ii) Researchers who are graduate students must attend courses regarding research ethics established by the University or by the department.

6-2 Those who are involved in the operation and management of Public Research Funds in the University must attend research ethics education courses provided by the University for instruction in the prevention of misconduct related to the handling of research funds.

**(Establishment of the Academic Research Ethical Review Committee)**

Article 7 An Academic Research Ethical Review Committee (“Ethical Review Committee”) shall be established in the University to prevent and conduct investigation of misconduct by Researchers.

2 Members of the Ethical Review Committee shall be as follows:

- (i) The number of members of the Ethical Review Committee indicated in the right column of the following chart shall be elected from among the full-time teaching staff on the Faculty Committee, the Graduate School Faculty Committee, the Steering Committee, and the Teachers’ Committee of the departments in the following table. Departments will be designated in order.

Faculty of Political Science and Economics, Faculty of Law, Faculty of Commerce, Faculty of Social Sciences	3
---	---

Faculty of Letters, Arts and Sciences, Faculty of Education and Integrated Arts and Sciences, Faculty of International Liberal Studies	2
--	---

Faculty of Science and Engineering	2
------------------------------------	---

Faculty of Human Sciences, Faculty of Sport Sciences	1
--	---

Senior High School, Honjo Senior High School, Art and Architecture School	1
---	---

- (ii) Two persons or more who are experts in law or accounting, or have expert knowledge regarding academic research ethics, who are not teaching or administrative staff of the University, designated by the President;
- (iii) One Vice-President for Research Promotion designated by the President;
- (iv) Vice-President for General Affairs;
- (v) Dean of Academic Affairs;
- (vi) Director of Research Promotion.

3 The term of office of (i) and (ii) above shall be two years; however, reappointment of the same members is not prohibited.

4 If a vacancy occurs for a committee member, the term of office of the successor member shall be the remaining period of the term of office of the predecessor.

**(Chairperson and Vice-Chairperson of Ethical Review Committee)**

Article 8 One chairperson and one vice-chairperson shall be designated for the Ethical Review Committee.

2 One chairperson shall be designated for the Ethical Review Committee by mutual election of the Committee members in (i) and (ii) in the second paragraph of the preceding Article.

3 The chairperson shall be the representative of the Ethical Review Committee and shall command the operations of the Ethical Review Committee.

4 One vice-chairperson shall be designated for the Ethical Review Committee by appointment of the chairperson, from the Committee members in (i) and (ii) in the second paragraph of the preceding Article.

5 The Vice Chairperson shall assist the Chairperson and shall, if the post of Chairperson is vacated or if the Chairperson is incapacitated, perform his/her duties.

**(Administration of Ethical Review Committee)**

Article 9 The chairperson shall convene the meetings of the Ethical Review Committee.

2 The Committee may not commence proceedings unless at least half of the committee members are present.

3 Notwithstanding the provisions of the previous paragraph, the Ethical Review Committee cannot be convened when it deliberates an item provided for in (iii) of Article 10, unless at least two-thirds of the committee members are present.

4 Resolutions of the Ethical Review Committee shall require the approval of two-thirds of the members in attendance.

5 A committee member having an interest in a case of misconduct under review may not join in any part of the deliberation.

6 The Ethical Review Committee may, when deemed necessary, seek advice from academic experts.

7 Deliberations of the Ethical Review Committee shall be closed to the public. However, persons may sit in on the deliberations with the permission of the Ethical Review Committee.

8 Minutes of deliberations by the Ethical Review Committee shall be closed to the public.

**(Duties of the Ethical Review Committee)**

Article 10 The Ethical Review Committee shall deal with the following matters;

(i) Matters regarding the planning and implementation of notification, training, instruction, and other matters to Researchers in connection with academic research ethics,

(ii) Matters regarding the collection and analysis of information generated inside and outside the country regarding academic research ethics,

(iii) Matters regarding the investigation of case of misconduct by Researchers, and

(iv) Other matters regarding academic research ethics.

### **(Preliminary investigation of misconduct)**

Article 11 If the Ethical Review Committee receives a report or notice (hereafter referred to as “Report”) of any of the items listed below, the Committee shall conduct a preliminary investigation. If, however, the content of such Report is Misconduct Regarding Research Activities, the Ethical Review Committee and the Administrative Officers for the Investigation of Research Misconduct may request a preliminary investigation by the head of the department judged to be most closely related to the subject of investigation, as indicated in No. 2 of paragraph 5 below.

(i) Suspicion of misconduct by researchers belonging to a department is reported by the department;  
or

(ii) Notice is given by the Whistleblowing Handling Committee in accordance with the first paragraph of Article 11 of the Whistleblowers Protection Rules (Rule No. 08-47-1, November 7, 2008).

(iii) Report has been obtained from the University through audit or other means on the information regarding misconduct by Researchers.

(iv) Notice is given by a risk manager as prescribed in the rules of paragraph No. 1 of Article 8 of Waseda University Risk Management and Promotion of Compliance (14-51-1 October 3, 2014).

2 When the Ethical Review Committee receives the Report indicated above, if the Report is about Misconduct Regarding Research Activities, the Committee shall promptly report to the Administrative Officers for Investigating Research Misconduct, and if the Report is about Misconduct Regarding the Handling of Research funds, the Committee shall promptly report to the Deputy Chief Administrative Officer.

3 If the Ethical Review Committee decides that the information contained in a Report received under paragraph 1 has a significant impact on the risk management of the university as a whole, it shall report the decision to the administrative officer for promotion of compliance stipulated in paragraph 1 of Article 4 of the Rules for Waseda University Risk Management and Promotion of Compliance and discuss action to take with him/her.

4 The information regarding misconduct in the first paragraph of Article 11 above shall be limited to objective (including ‘scientific’ in the case of Misconduct Regarding Research Activities) and reasonable evidence.

5 In reports of misconduct regarding the items in the first paragraph of Article 11 above, documents or evidence establishing the matters listed below must be submitted.

(i) Name of and contact for any individual who has provided information such as a Report (hereafter referred to as “Informer”), and if the Informer is a department or an organization, etc., the name of and contact for that department or organization, etc.

(ii) Affiliation and name of the person suspected of misconduct (hereafter referred to as “Investigated Person(s)”)

(iii) Form and substance of the misconduct

(iv) Objective and rational reason why the act is a case of misconduct.

6 If the Ethical Review Committee receives a Report from an anonymous person, notwithstanding the provisions of item (i) of the preceding paragraph, it may handle the anonymous Report in the same manner as a Report received from a person who reveals his/her name as long as what is reported in

the anonymous Report is suitable for such handling.

7 The preliminary investigation shall be classified as Misconduct Regarding Research Activities or Misconduct Regarding the Handling of Research Funds, and shall confirm the following:

Misconduct Regarding Research Activities

- (i) Whether or not there is suspicion of Misconduct Regarding Research Activities as indicated by Report.
- (ii) Whether or not the content of the Report is logical, with scientific and rational evidence provided.
- (iii) The content of the Report is rational and an investigation is possible.

Misconduct Regarding the Handling of Research Funds

- (i) Whether or not there is suspicion of Misconduct Regarding the Handling of Research Funds, based on the Report.
- (ii) Whether or not the content of the Report is logical.
- (iii) The content of the Report is rational and an investigation is possible.

8 The department head who was instructed to conduct a preliminary investigation as indicated in the proviso of paragraph 1 shall promptly conduct a preliminary investigation and report the results to the Ethical Review Committee within 25 days from the date of receipt of the instruction, in principle.

9 Except in the case indicated in the proviso in the first paragraph of Article 11 above, when conducting a preliminary investigation, the chairperson of the Ethical Review Committee may instruct the Director of Research Promotion to assist in the investigation.

10 The preliminary investigation must in principle be completed within 30 days from the day on which the information regarding the misconduct was obtained, unless there is good reason that the investigation cannot be completed within 30 days.

11 In the case where the misconduct under investigation is related to Public Research Funds, the decision whether the relevant investigation is needed or not shall be reported to the Allocating Organizations.

### **(Establishment of an investigative committee)**

Article 12 When as the result of the preliminary investigation provided for in paragraph 1 of the preceding Article, the Ethical Review Committee deems it necessary to investigate the possibility of Misconduct Regarding Research Activities or Misconduct Regarding the Handling of Research Funds, it shall decide to establish an investigative committee by majority vote.

2 The Ethical Review Committee shall establish an investigative committee and start an investigation within 30 days from the day of its decision to establish an investigative committee unless there is good reason for it being unable to start an investigation within 30 days.

3 If the Ethical Review Committee decides to establish an investigative committee, it shall report the fact in written form to the Investigated Person and the Informer.

4 The Ethical Review Committee shall inform the Investigated Person and the Informer of the names and affiliation of the members of the investigative committee before the start of the investigation.

5 If the Investigated Person or the Informer expresses dissatisfaction with the member(s) of the investigative committee stipulated in the preceding paragraph, he/she may file an objection in written



form to the Ethical Review Committee within 10 days from the day of receiving the report.

6 When the Ethical Review Committee receives an objection as described in the preceding paragraph, the Committee shall examine the content of the objection and change the members of the investigative committee pertaining to the objection if the content is deemed appropriate, and shall inform the Investigated Person and Informer to that effect. In the case where no change is made, the party who filed the objection shall be notified to that effect along with the reasons therefor.

7 If the Ethical Review Committee decides to establish an investigative committee, it shall report the fact, together with the outcome of the preliminary investigation, in written form to the President and the Head of the Department to which the Investigated Person belongs.

8 When the President receives a report such as described in the preceding paragraph, he/she may place a stop order on the usage of the relevant public research funds as needed, in cases where there is Misconduct Regarding the Handling of Public Research Funds and the Investigated Person has been granted the public research funds which are the object of the investigation.

9 Members of an investigative committee must include:

- (i) The chairperson or a committee member of the Ethical Review Committee, appointed by the chairperson in accordance with item (i) in the second paragraph of Article 7;
- (ii) Three persons designated by the Chairperson of the Ethical Review Committee from among the teaching and administrative staff of the university, or others, all to be approved by the Ethical Review Committee.

10 The number of committee members provided for in (ii) of the preceding paragraph may be increased if the chairperson of the Ethical Review Committee considers it necessary.

11 All of the investigative committee members must have no direct interest with the Investigated Person or the Informer.

12 More than half of members of the investigative committee must not be affiliated to the University.

13 The investigative committee shall have one chairperson, a committee member as described in (i) of the preceding paragraph 9.

14 The chairperson shall be the representative of the investigative committee and shall direct its operations.

15 Article 9 (excluding paragraph 2 and the provisory clause in paragraph 7) shall apply to any investigative committee.

16 When the Ethical Review Committee has decided not to establish an investigative committee, that fact, along with a statement of reason, must be announced to the Informer.

### **(Conduct of Investigation by Investigative committee)**

Article 13 The investigative committee shall investigate the facts regarding any Misconduct and should make a final report to the Ethical Review Committee, in principle, within 120 days from the day of its establishment unless there is good reason for it being unable to start a final report within 120 days.

2 The investigative committee can demand that the Informer, the Investigated Person, their departments, and related persons cooperate concerning the presentation of a document, the statement

of an opinion, the explanation of an event, or any other relevant matter. If asked to cooperate, the Informer, the Investigated Person, their departments and related persons shall cooperate positively and faithfully and tell the truth about the known facts, so that the investigation can be carried out without incident.

3 If the Investigated Person does not meet the demand for cooperation as described in the preceding paragraph and when there is an urgent need to maintain the materials necessary for investigation in good condition, the investigative committee may request that the Investigated Person not contact any person with an interest in the investigation, not enter places where the preservation of evidence is necessary, but shall comply with any other instructions that are necessary to the investigation.

4 When requesting that the Investigated Person comply with the steps provided for in the preceding paragraph, the investigative committee must sufficiently consider the necessity of avoiding disruption of the research and educational activities of teaching and administrative staff and others and the management and administration of the University.

5 The investigative committee must fairly and impartially investigate the following matters based on the facts and recognize the matters:

- (i) Whether or not there has been misconduct
- (ii) The nature of the misconduct
- (iii) Those who were involved in the misconduct and the degree of involvement
- (iv) In the case of Misconduct Regarding Research Activities, the role of those who were involved in the relevant research activities which are identified as object to misconduct
- (v) In the case of Misconduct Regarding the Handling of Research Funds, the actual amount used improperly

#### **(Procedures to Recognize Misconduct Regarding Research Activities)**

Article 13-2 The investigative committee shall make a comprehensive decision on whether to recognize that the act in question is Misconduct based on an explanation from the Investigated Person and evidence obtained through the investigation, such as physical, scientific and verbal evidence and the Investigated Person's admissions.

2 The investigative committee may not recognize that the act in question is Misconduct if the Investigated Person's admissions are the only evidence.

3 The investigative committee may recognize that the act in question is Misconduct if the Investigated Person's explanation and other evidence cannot clear the suspicion that the act in question is Misconduct. The same shall apply if the Investigated Person cannot show evidence sufficient to clear the suspicion that the act in question is Misconduct due to his/her failure to have necessary basic information that he/she should have, such as the nonexistence of Research-related materials that must be retained.

#### **(Conduct of reproducibility of experiment in the case of necessity for investigation)**

Article 13-3 In the case of Misconduct Regarding Research Activities, in order to investigate the possibility of misconduct, if the investigative committee requests the Investigated Person to display

the reproducibility of the research results by replicating the experiment, or if the investigative committee recognizes its necessity when the Investigated Person offers to do so on his/her own volition, the experiment may be replicated within the scope of the judgment that is found reasonably necessary by the investigate committee regarding the length of time and opportunity (including equipment and expenses) necessary for such experiment.

#### **(Additional Investigated Persons)**

Article 14 When during the process of an investigation, the investigative committee discovers that there is suspicion that researchers other than the Investigated Person were engaged in the misconduct, it shall report that discovery to the Ethical Review Committee.

2 When the Ethical Review Committee receives an investigative committee report such as described in the preceding paragraph, it shall conduct a preliminary investigation and determine whether or not that researcher(s) shall be designated Investigated Person.

3 When the Ethical Review Committee has approved a resolution that a Researcher shall be designated Investigated Person, it may establish a new investigative committee, or replace some or all members of the investigative committee, as required.

#### **(Separation of Investigation Cases)**

Article 15 When during the process of investigation the investigative committee has determined that new facts have been discovered, and that it is necessary to investigate part of the case as a separate case, it shall report to the Ethical Review Committee to that effect.

2 When the Ethical Review Committee receives a report such as described in the previous article from the investigative committee, it shall conduct a preliminary investigation and determine whether or not the case shall be divided and investigated as such.

3 When the Ethical Review Committee adopts a resolution that a case shall be divided and investigated as such, it shall establish a new investigative committee as required.

#### **(Protest by the Investigated Person)**

Article 16 When the Ethical Review Committee receives the final report provided for in paragraph 1 of Article 13, the Committee shall check the contents thereof and promptly report to the Investigated Person in written form.

2 If the Investigated Person is dissatisfied with the contents of the report made in accordance with the preceding paragraph, he/she may make a written protest to the Ethical Review Committee within 10 days from the date he/she received notification of the report.

3 When the Ethical Review Committee receives a protest under the preceding paragraph, the Committee shall report the contents of the protest to the investigative committee.

4 When the investigative committee receives the report referred to in the preceding paragraph, the committee shall deliberate on whether or not to conduct a reinvestigation based on the contents of the protest, and report the result to the Ethical Review Committee along with the reasons therefor.

5 When the Ethical Review Committee receives from the investigative committee a report to the effect

that there is no need for a reinvestigation and the protest will be dismissed pursuant to the preceding paragraph, the Ethical Review Committee shall promptly report to the Investigated Person and the Informer in written form such fact along with the reasons therefor.

6 If the Ethical Review Committee receives from the investigative committee a report to the effect that a reinvestigation will be conducted pursuant to paragraph 4, it shall promptly report to the Investigated Person and the Informer in written form.

7 If the investigative committee determines that a new member with expert knowledge is required in conducting the deliberations provided for in paragraph 4, the Ethical Review Committee may change all or part of the members.

8 With regard to the change of the members referred to in the preceding paragraph, the requirements set forth in Article 12, paragraphs 11 and 12 shall be satisfied, and the provisions of Article 12, paragraphs 4 to 6 shall apply *mutatis mutandis* to the procedures pertaining to the notification, etc. of the members. In this case, the expression “before the start of the investigation” in paragraph 4 shall be replaced with “before the start of the reinvestigation.”

9 If, as a result of the deliberations provided for in paragraph 4, the investigative committee determines that it is necessary to conduct a reinvestigation, the committee shall promptly commence the reinvestigation, and within 50 days from the date of commencement of the reinvestigation, decide whether or not to overturn the results of the earlier investigation, and report the results to the Ethical Review Committee, unless there is good reason that the report cannot be made within 50 days.

10 When the Ethical Review Committee receives a report of the reinvestigation described in the preceding paragraph, it shall check the contents thereof and promptly report to the Investigated Person and the Informer in written form.

#### **(Recognition of Informer as malicious)**

Article 16-2 If the investigative committee recognizes that the Investigated Person did not commit any misconduct, and if, through the investigation, it finds that the report, etc. by the Informer was based on malicious intent, the investigative committee shall recognize the fact along with the recognition that the Investigated Person did not commit the misconduct.

2-2 If, as a result of receiving the final report provided for in paragraph 1 of Article 13, it is discovered that the report, etc. by the Informer was based on malicious intent, the Ethical Review Committee shall check the contents thereof and promptly report in written form to the Informer.

2-3 In the case indicated in the preceding paragraph, if the Informer belongs to an organization, the Committee shall also report to the organization.

2-4 If the Informer has an objection to the content of the report received in accordance with the provisions of paragraph 2, he/she may submit a protest to the Ethical Review Committee in written form within 10 days from the day of receiving the report.

2-5 Regarding procedures pertaining to the protest referred to in the preceding paragraph, the provisions of paragraphs 3 to 10 in the preceding Article shall apply *mutatis mutandis*.

#### **(Reports to the President and Others)**

Article 17 When the Ethical Review Committee receives the final report described in paragraph 1 of Article 13, it shall check the contents thereof (if a reinvestigation has been conducted pursuant to the provisions of paragraph 9 of Article 16, the results of the reinvestigation; the same applies to paragraphs 4 and 9 of this Article), and promptly report to the President and the Head of the Department with which the Investigated Person is affiliated.

2 If the Ethical Review Committee receives a protest as provided for in paragraph 2 of Article 16 from an Investigated Person, receives a report as provided for in paragraph 5 of Article 16, and receives a report as provided for in paragraph 6 of Article 16, the Committee shall report to the President and the Head of the Department with which the Investigated Person is affiliated.

3 The Ethical Review Committee shall determine the timing to dissolve the investigative committee.

4 If, as a result of the investigation under Article 13, the investigative committee recognizes that the Researcher(s) committed misconduct, the Ethical Review Committee shall state its opinions regarding the systemic or administrative problems that caused the misconduct and propose measures that the Executive Board or department should take in order to prevent a reoccurrence of such misconduct ("Corrective Measures"). In addition, if any members express a minority opinion, such opinion shall also be attached to the report to the President.

5 When the Ethical Review Committee conducts an investigation in accordance with (ii) in the first paragraph of Article 11, it must report the contents (including opinions attached in accordance with the fourth paragraph) to the President and the Head of the Department with which the Investigated Person is affiliated in accordance with paragraph 1, and to the Whistleblowing Handling Committee based on the second paragraph of Article 11 of the Whistleblower Protection Rules.

6 When the President receives a report with the opinions of the Ethical Review Committee made pursuant to paragraph 4, he or she shall consider the Corrective Measures that the Executive Board should take, and recommend what measures the department head should carry out.

7 A department head who receives the directions provided for in the preceding paragraph shall make a report to the President concerning the implementation of those recommended Correction Measures or disciplinary measures.

8 The President shall make a report to the Ethical Review Committee concerning the implementation of the corrective procedures or penalties taken by the Executive Board and/or the corrective procedures or disciplinary measures that have been reported by the department head in accordance with the preceding paragraph.

9 The President shall, as necessary, report to the Allocating Organizations and publicly announce the outcome of its investigation and the contents of the report made to the Ethical Review Committee pursuant to the provisions of the preceding paragraph.

10 The contents of the public announcement referred to in the preceding paragraph shall include the name, affiliation of the person involved with the misconduct, the content of the misconduct, the details of the measures taken by the University up to the time of public announcement, and the names, affiliation of the members of the investigative committee, investigation method, and investigation procedure, etc. However, if there is a reasonable reason, some of the above-mentioned matters may be excluded from the disclosure.

11 If it is discovered that the report, etc. by the Informer provided for in Article 16-2 was based on malicious intent, the President shall report the contents thereof to the Allocating Organizations and publicly announce them.

12 The contents of the announcement through public announcement referred to in the preceding paragraph shall include the name and affiliation of the Informer with malicious intent.

### **(Notice to the Informer)**

Article 17-2 When the Ethical Review Committee receives the final report provided for in paragraph 1 of Article 13, the Committee shall check the contents thereof and promptly report to the Informer.

17-2-2 If the Ethical Review Committee receives a protest as prescribed in paragraph 2 of Article 16 from the Investigated Person, it shall report to the Informer.

### **(Consideration to the Investigated Person)**

Article 18 When the Ethical Review Committee, the investigative committee, the President, the Executive Board, the department or some other University organization exercises its authority under these Rules, the reputation, privacy and other rights of the Investigated Person, the people who cooperated with the investigation, and others must be considered. Enforcement of these Rules must be exercised so as not to infringe on these rights.

2 During investigation, the Investigated Person shall be afforded the opportunities of a fair hearing, counterargument, and defense. If the Investigated Person requests aid from a lawyer or others, such a request cannot be refused without justifiable reason.

3 If the investigative committee did not recognize that the Investigated Person committed any misconduct, the Ethical Review Committee shall render an opinion to the President to take appropriate steps as necessary to recover the reputation of the Investigated Person and to prevent further detriment to the Investigated Person. If the President receives a recommendation to recover the reputation and to prevent further detriment to the Investigated Person, the President shall take such steps.

### **(Confidentiality Obligation)**

Article 19 No person engaged in investigating misconduct (“Investigator”) shall leak any secret known in conjunction with the duties concerned. This obligation of confidentiality shall even survive after the Investigator has completed his or her duties.

2 If the Investigator violates the obligation laid out in the preceding paragraph, the Ethical Review Committee shall render its opinion to the President.

3 The provisions set out in the preceding two paragraphs above shall also apply to the members of the Ethical Review Committee.

4 The President shall report to the Ethical Review Committee regarding the status of imposition of penalties on the person who violated the obligation laid out in paragraph 1 of Article 19.

### **(Protection of Personal Information)**

Article 20 An Investigator must not leak any personal information obtained during the course of the investigation without justifiable reason, or use it for any inappropriate purpose. This obligation to protect personal information shall survive even after the Investigator has completed his or her duties.

2 If an Investigator violates the provisions of the preceding paragraph, paragraphs 2 and 3 of the preceding Article shall apply.

3 The provisions set out in paragraphs 1 and 2 above shall also apply to the committee members of the Ethical Review Committee.

#### **(Prohibition of Disadvantageous Treatment)**

Article 21 The Ethical Review Committee, the investigative committee, the President, the Executive Board or the department, etc. shall not treat an Informer disadvantageously on the grounds that a report, etc. provided for in Article 11, paragraph 1 has been made. However, this does not apply if the report, etc. by the Informer is found to be based on malicious intent pursuant to the provisions of Article 16-2.

2 The Ethical Review Committee, the investigative committee, the President, the Executive Board or the department, etc. shall not treat the Investigated Person disadvantageously solely on the grounds that a report, etc. provided for in Article 11, paragraph 1 has been made.

#### **(Report to the Allocating Organization in the case of Misconduct Regarding the Handling of Research Funds)**

Article 22 The President shall carry out the reporting and cooperative measures listed below to the Allocating Organization, regarding the investigation of Misconduct Regarding the Handling of Research Funds:

(i) The President shall report to the Allocating Organization when the establishment of an investigative committee has been decided, and conduct deliberation with the Allocating Organization about matters such as the plan of investigation, subject of investigation and method of investigation, as needed.

(ii) The President shall submit the final report to the Allocating Organization within 210 days from the date of receipt of the report, as indicated in the items of paragraph 1 of Article 11.

(iii) When the fact of a misconduct is recognized, even if it is a part of the conduct and even if the investigation is still in process, the President shall report it to the Allocating Organization.

(iv) In response to a request by the Allocating Organization, the President shall submit a progress report and an interim report to the relevant Allocating Organization even before the investigation has been completed.

(v) Except for justifiable reasons such as hindrance to the investigation, the President shall submit materials related to the investigation to the Allocating Organization, and respond to any request by the Allocating Organization for access to materials regarding the investigation and the Organization's on the spot survey.

(vi) The President shall report to the Allocating Organization in the case where a protest as provided for in paragraph 2 of Article 16 is received, where a protest is dismissed, and where it is decided to

conduct a reinvestigation, as well as reporting the results of the reinvestigation.

(vii) The President shall report to the Allocating Organization in the case where a protest as provided for in paragraph 4 of Article 16-2 is received, where a protest is dismissed, and where it is decided to conduct a reinvestigation, as well as reporting the results of the reinvestigation.

#### **(Report to the Allocating Organization in the case of Misconduct Regarding Research Activities)**

Article 23 The President shall provide the reporting and cooperation listed below for the Allocating Organization regarding cases of Misconduct Regarding Research Activities.

(i) The President shall report to the Allocating Organization when the establishment of the investigative committee has been decided.

(ii) In response to a request by the Allocating Organization, the President shall submit a progress report and an interim report to the relevant Allocating Organization even before the investigation has been completed.

(iii) The President shall submit the final report in written form to the Allocating Organization.

(iv) The President shall report to the Allocating Organization in the case where a protest as provided for in paragraph 2 of Article 16 is received from the Investigated Person, where a protest is dismissed, and where it is decided to conduct a reinvestigation, as well as reporting the results of the reinvestigation.

(v) The President shall report to the Allocating Organization in the case where a protest as provided for in paragraph 4 of Article 16-2 is received from the Informer, where a protest is dismissed, and where it is decided to conduct a reinvestigation, as well as reporting the results of the reinvestigation.

#### **(Treatment of cases involving former Researchers)**

Article 24 In the case where there is a report as stipulated in Article 11, about actions of those to whom items (i) to (iii) of the first paragraph of Article 2 during the relevant period apply, the treatment shall be in accordance with these rules.

2 In the case where there is a report as stipulated in Article 11 about a doctoral thesis of a person who was awarded a doctor's degree in line with Article 17 of Waseda University Graduate School Regulations (Kyoumu-tatsu No. 1, April 1, 1976), the treatment shall be in accordance with these rules.

#### **(In the case of conducting joint research with other research institution)**

Article 25 The Ethical Review Committee may execute treatment as stipulated in the following paragraphs in the case where there is a report, as stipulated in the first paragraph of Article 11, of Misconduct Regarding Research Activities.

(i) In the case where the Investigated Person belongs to more than one research organization including the University, more than one of the research organizations with which the Person is affiliated may start a joint investigation centered around the research organization where the Investigated Person was mainly engaged in the relevant research. However, all concerned organizations may deliberate the content of the issue and decide the central and supporting research



organizations which will participate in the investigation, and the method of investigation.

(ii) In the case where the Investigated Person conducted research regarding the issue of a report at a research organization other than Waseda University, the University shall report to the research organization where the relevant research was conducted that there was a report and may start joint investigation with the relevant research organization.

(iii) In the case where the Investigated Person was a Researcher at Waseda University while conducting the research regarding the issue of a report but the Person has left the University and is currently affiliated with another research organization, the University shall report to the relevant research organization that there was a report and may start a joint investigation with the relevant research organization.

#### **(Detailed enforcement regulations)**

Article 26 Actions necessary for the enforcement of these rules such as preservation and disclosure of materials for research shall be laid out separately, to accompany the detailed enforcement regulations in Preventive Measures against Research Misconduct and Investigation Procedures (Article 16-78-2, effective February 3, 2017)

* If this English version does not conform to Japanese version, the Japanese version shall prevail.
---