

Only the original Japanese texts of these rules have effect. In the event of any discrepancy between the Japanese version and the English version, the former version shall prevail.

## Rules for Responding to Misconduct and Misuse of Funds in Research Activities

Enacted on December 6, 2006 (Rule No. 19 of 2006)

Revised on March 13, 2013 (Rule No. 4 of 2013)

Revised on April 1, 2015 (Rule No. 3 of 2015)

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### Article 1 (Purpose)

Misconduct in research by researchers and misuse of competitive research funds debases science and hinders its advancement while shaking people's trust in science and wasting precious public funds. Accordingly, the Japan Society for the Promotion of Science (JSPS) establishes and carries out procedures for responding to improper conduct in research activities that use research funds and improper use of research funds, and it assures that research institutions exercise systematic management and responsibility over research funds. While strictly ensuring impartiality in research activities, JSPS takes responsibility for the proper use of research funding, which have as their source precious public funds.

JSPS's operation to carry out this mandate is based on the Guidelines for Responding to Misconduct in Research (Adopted by MEXT August 26, 2014)(hereafter referred to as "Guidelines on Misconduct in Research"), Guidelines for Supervision and Auditing of Public Research Funds at Research Institutions (adopted by MEXT February 15, 2007; revised February 18, 2014)(hereafter referred to as "Guidelines for Supervision and Auditing"), and the Guidelines on the Proper Implementation of Competitive Funding (agreement by the liaison meeting of related offices and ministries on competitive funding, dated September 9, 2005).

## Article 2 (Definitions)

In addition to definitions contained in the Guidelines on Misconduct in Research and the Guidelines for Supervision and Auditing, the terms “research funds” and “research misconduct” (specific research misconduct) are defined as follows.

- (1) Research funds: All competitive funding, research subsidies and commissioned funding disbursed by JSPS.
- (2) Research misconduct: Violating research ethics when publishing research activities and research results by distorting their substance or purport in ways that hinder normal scientific communication. Committing “specific research misconduct” (fabrication, falsification or plagiarism) in submitted research papers, in the data published in research results, or in survey results when done purposefully or out of gross negligence of a researcher’s fundamental responsibilities.
- (3) Improper use: Either purposefully or out of gross negligence, using research refunds for unapproved purposes or in ways that otherwise violate the terms under which the funds are disbursed.
- (4) Improper use, etc.: Misuse of funds or receiving the disbursement of research funds based on falsification or other improper means.
- (5) Systematic discharge of management responsibility: Establishment by research institutions of an effective management system for responding to specific research misconduct and misuse of research funds.

## Article 3 (Subject research activities)

All research activities for which research funding is disbursed.

## Article 4 (Subject researchers, etc.)

All researchers and research groups carrying research activities for which research funding is received.

## Article 5 (Subject research institutions)

Research institutions to which researchers who receive funding belong and research institutions that receive research funding.

#### Article 6 (Receiving complaints)

To file a complaint about specific misconduct or misuse of research funds or to seek consultation on a matter prior to filing a complaint, the research institution to which the accused is affiliated should be contacted. (If the accused does not have an affiliated institution, then the specific institution where s/he is chiefly using research facilities. When the accused has a Research Fellowship for Young Scientists, then the host institution where s/he is chiefly conducting research activities.) If, however, the accused is not affiliated to any research institution or if special circumstances are judged to exist, JSPS may receive the complaint from the complainant.

#### Article 7 (Establishing a window for receiving complaints)

In addition to the provision in Article 6 above, a window is to be established for auditing complaints and assuring research fairness in the Research Integrity and Auditing Office. Complaints are filed/received as follows.

- (1) Complaints may be filed in by letter, via phone, fax or email, or in person.
- (2) When receiving a complaint, the Research Integrity and Auditing Office should do the following. Ascertain the complainant's name, affiliation and contact information; the name of the researcher accused of specific misconduct or misuse of funds; the circumstances of the violation; the basis and rationality of the complaint; the type and name of the research grant in question; and whether the complaint was filed in other organizations besides JSPS. It should also be ascertained what the complainant desires to keep confidential. S/he should be informed of the rule regarding false claims stipulated in Article 20.
- (3) If the complaint was received by an office other than the Research Integrity and Auditing Office, that office should contact the Research Integrity and Auditing Office right away.
- (4) Based on the type of research grant included in the complaint, the Research Integrity and Auditing Office should contact the cognizant research grant section and inform it of the content of the complaint.

#### Article 8 (Forwarding complaints)

When receiving a complaint regarding a matter of research misconduct for which JSPS

did not disburse the funding, JSPS will refer the matter to the funding agency that disbursed the funds and inform the complainant of such.

#### Article 9 (Handling complaints)

The following procedure is followed in handling complaints.

- (1) As a rule, JSPS only accepts complaints that clearly state the circumstances of specific research misconduct, including the researcher(s) who committed specific research misconduct or improperly used research funds. Moreover, the content of specific research misconduct must have a rational scientific basis and a complaint of improper use of funding must be factually grounded.
- (2) As a rule, JSPS only accepts complaints of specific research misconduct when the complainant's name is stated. Depending on the content of the complaint, however, there are cases when an anonymous complainant can be treated as a named complainant.
- (3) When suspicion of specific research misconduct or the improper use of research funds is reported by the researcher community including the media and academic societies, JSPS can handle the complaint if one is made.
- (4) With regard to the complaints received by JSPS for which the organization that is supposed to investigate and verify the veracity of its content (hereafter referred to as "investigation") cannot not be identified, JSPS is to refer the complaint to the research institution corresponding to the investigating organization stipulated in paragraph 1 of Article 11. It is to notify that research institution that a complaint has been filed and request it to handle the complaint. When it is expected that another investigating organization is also involved, JSPS is to notify its corresponding research institution of the complaint.

#### Article 10 (Protecting the confidentiality of complainant and accused)

1. JSPS is to protect the confidentiality of the complainant and the accused as well as the content of the complaint and the content of the investigation of the matter up until the time that an investigation report is publically released.
2. Notwithstanding the above stipulation, if the investigated matter should be leaked, JSPS may, upon obtaining the consent of the complainant and accused, issue a public statement on the matter while the investigation is ongoing. If, however, the complainant or the accused is responsible for the leakage, JSPS will not be required to obtain their

consent.

#### Article 11 (Investigating complaints)

1. Investigation of the matter contained in the complaint is, as a rule, to be conducted by the research institution that the accused belongs to, or by the research institution where s/he was carrying out research activities at the time the matter contained in the complaint occurred, or by the research institution where s/he was carrying out the research activities subject to the complaint (hereafter referred to as “investigating organization”).
2. Upon receiving a decision or other report by an investigating organization to conduct an investigation, JSPS may provide instructions to the organization on how to properly conduct the investigation and request it to expeditiously clarify the entire matter and complete the investigation.
3. If the accused does not belong to a research institution when the investigation starts nor does the accused any longer belong to the research institution where s/he was carrying out research at the time the matter contained in the complaint occurred and JSPS determines that it would be extremely difficult for an investigating organization to conduct the investigation pursuant to paragraph 1 above, the matter is to be referred to the cognizant research grant section at JSPS for investigation.
4. Pertinent details on conducting an investigation pursuant to the paragraph above are provided separately.

#### Article 12 (Taking temporary measures during an investigation)

1. JSPS may take various measures with regard to the accused while an investigation is being conducted. They include stopping the disbursement for research funds for the subject project until an investigation report is received from the investigating organization or until the investigation result is determined pursuant to the rule set in Article 11. 3 above. JSPS may also cancel the disbursement of research funds to a project for which a decision of grant disbursement has been made or may put on hold decisions to select or fund other projects for which the accused has applied.
2. The above notwithstanding, if it is partially established that the specific misconduct or misuse of funds has been committed or if the issuing of a report on the investigative results is postponed due to the accused not bearing his/her responsibility to cooperate, JSPS may put on hold decisions to select or to disburse funding, cancel disbursement, or

require the accused's affiliated institution to stop implementation of his/her project.

Article 13 (Measures taken against individuals or groups who commit acts of specific misconduct or misuse of research funds and taken against research organizations that fail institutionally to exercise management responsibility)

The JSPS President is to immediately take appropriate measures when the following cases occur.

- (1) When the investigation results establish specific research misconduct or improper use of funds.
- (2) When the investigating organization does not submit its final report, for example on a complaint regarding competitive funding administered by JSPS, within the following prescribed periods.
  - 1) With regard to specific misconduct, by the investigation deadline set pursuant to the investigating organization's rules and regulation
  - 2) With regard to the misuse of funds, within 210 days from the date that the complaint was received
  - 3) Irrespective of the above stipulations, when an investigation report is delayed for a rational reason recognized by JSPS, a different deadline may be set.
- (3) When based on the Guidelines on Misconduct in Research and the Guidelines for Supervision and Auditing, MEXT judges the establishment of a management system to be inadequate or when MEXT is dissatisfied with the implementation of action required to improve the system or with the management of such implementation timelines.
- (4) When based on the Guidelines for Supervision and Auditing, MEXT judges there to be large defects in the establishment of a research institution's management system or the misuse of funds to occur due to defects in the management system.

Article 14 (System for considering measures against individuals determined to have committed acts of specific research misconduct)

1. If specific misconduct is determined to have occurred in research activities, the JSPS President is to refer the matter to a committee set up to deliberate the appropriate action to take with regard to the violation (Deliberative Committee).
2. Based on the determination made by the investigating organization, the Deliberative Committee considers the punitive measures that should be taken against the offending

party and issues a report on its conclusions. Receiving that report, the JSPS President makes the final decision as to what punitive measures to impose. The offending party's explanation will not be heard and an appeal for redress by the offending party will not be accepted after the punitive measures are decided.

3. The jurisdictional duties and organization of the Deliberative Committee are established separately.

#### Article 15 (Persons subject to punitive measures)

The following persons are subject to punitive measures.

(1) With regard to specific research misconduct:

- 1) Persons determined to have participated in acts of specific misconduct.
- 2) Persons not determined to have participated in the specific misconduct directly but who bear some responsibility as an author of a paper on research identified to involve specific misconduct and who failed to exercise due care as a person responsible for the paper's content.

(2) With regard to the misuse of funds:

- 1) Researchers who misuse funds and researchers who collude in the misuse of funds.
- 2) Researchers who by way of fabrication or other means of deception improperly receive research funding and other researchers who collude in such improper acquisition of funding.
- 3) Researchers who do not directly participate in the misuse of funding but who use the funding while neglecting to take the due care of a prudent manager.

#### Article 16 (Types of punitive measures)

1. Measures taken by the JSPS President pursuant to Article 13.1 include the following.

- (1) Cancellation of the decision to disburse the subject research funding or requiring the offending researcher to return all or part of the funding already disbursed.
- (2) Not selecting projects applied for in which the offending researcher is the principle investigator. Neither selecting projects in which s/he is listed as a co-investigator unless s/he is excluded from the project.
- (3) When research funding has already been disbursed to the offending researcher, requiring him/her return the unspent amount pursuant to the rules of the subject research-funding system.

- (4) Not disbursing research funding to the offending researcher for a set period of time. As a rule, the period of funding stoppage starts from the fiscal year following the year in which the punitive measures are determined. For specific research misconduct, see Table 1, for improper use of research funds, see Table 2.
  - (5) Irrespective of the above stipulation, the periods of funding stoppage under the program Grants-in-Aid for Scientific Research (KAKENHI) are established separately.
2. Pursuant to the measures taken in Article 13. (2) to (4), the JSPS President may, as stipulated in the Guidelines on Misconduct in Research and the Guidelines for Supervision and Auditing, reduce the amount of indirect competitive funding or stop its disbursement.

Article 17 (Specific misconduct and misuse of funding unrelated to the subject research funding)

In addition to the penalties subject to these rules, JSPS may stop the disbursement of research funding during the period while a researcher has had his/her application and/or participation eligibility suspended due to specific misconduct or misuse of funds vis-à-vis the following types of funding.

- (1) Competitive funding disbursed by government ministries/agencies or independent administrative agencies
- (2) Other than the above, funding disbursed from systems subject to the Guidelines on Misconduct in Research and the Guidelines for Supervision and Auditing.
- (3) Basic funding stipulated under the Guidelines on Misconduct in Research.

Article 18 (Notification and reporting of punitive measures)

1. JSPS will notify the complainant, accused and subject research institution along with the research institution to which the accused is affiliated of the measures taken and the person(s) subject to them.
2. JSPS will promptly report the measures taken to MEXT.

Article 19 (Public disclosure of measures taken)

As a rule, JSPS is to promptly make public disclosure of the measures decided to be taken.



#### Article 20 (Handling of malicious complaints)

If JSPS judges a complaint to be made with malicious intent, it shall disclose the name of the complainant and lodge a criminal complaint against him/her.

#### Article 21 (Relationship between measures and lawsuits)

1. If a lawsuit is filed after punitive measures are taken, unless the court judges the content of the action to be inappropriate, the measures will remain enforce. When a lawsuit is filed before measures are taken, if the basis for imposing them is seen to be rational and objective, they may be put into effect without waiting for the results of the suit.

2. If the measures are judged via the lawsuit to be inappropriate, part or all of them may be withdrawn.

3. Pursuant to the above court decision, if the research funding has been returned to JSPS, based on the state of the research, a determination is to be made whether or not to re-disburse the funding.

#### Article 22 (Recording the content of measures taken in open recruitment guidelines)

When specific misconduct and/or misuse of research funds is committed or an organization fails to take the due care of a prudent manager, the content and scope of punitive measures taken, including the subject researcher(s), are to be recorded in application guidelines for new research funding and in contracts for commissioned research (including in the document's annexes) and circulated to researchers and research organizations.

#### Article 23 (Supplementary Provisions)

In addition to what is listed in each of the preceding articles, any other necessary matters in responding to misconduct and misuse of funds in research activities are provided for separately.

Supplementary Provisions (Rule No. 19 of 2006)

This Rule came into force as of December 6, 2006.

Supplementary Provisions (Rule No. 4 of 2013)

This Rules came into force as of March 13, 2013.

Supplementary Provisions (Rule No. 3 of 2015)

This Rules came into force as of April 1, 2015.

Supplementary Provisions (Rule No. 35 of 2016)

This Rules came into force as of April 1, 2016.

Supplementary Provisions (Rule No. 34 of 2017)

This Rules came into force as of August 8, 2017.

Supplementary Provisions (Rule No. 40 of 2018)

This Rules came into force as of April 1, 2018.

Table 1 Measures related to specific misconduct (Appended art. 16 para. 1 item 4)

Subject of Measures		Extent of Misconduct	Period of Funding Stoppage	
Subject of Research Misconduct	1. Particularly malicious individual(s) who, for example, had intention of research misconduct from the very beginning of the research		10 years	
	2. Author(s) of paper(s), etc. related to the research in which research misconduct(s) have been identified (other than(a) above)	Responsible author(s) of the paper(s) in question (corresponding author, lead author or other authors bearing equivalent responsibilities)	Cases where it is judged that the impact on the progress of the science in the field in question and the social impact are major, or the level of maliciousness involved in the acts is high	5 to 7 years
			Cases where it is judged that the impact on the progress of the science in the field in question and the social impact are minor, or the level of maliciousness involved in the acts is low	3 to 5 years
		Author(s) of the paper(s) in question other than the responsible author(s) described above		2 to 3 years
	3. Individual(s) involved who are not the authors of the research paper(s) for which research misconduct(s) are identified		2 to 3 years	
Responsible author(s) of paper(s), (corresponding author, lead author or other authors bearing equivalent responsibilities) for which research misconduct(s) are identified, but not involved in the alleged research misconduct		Cases where it is judged that the impact on the progress of the science in the field in question and the social impact are major, or the level of maliciousness involved in the acts is high	2 to 3 years	
		Cases where it is judged that the impact on the progress of the science in the field in question and the social impact are low, or the degree of severity of the acts is low	1 to 2 years	

Table 2 Measures related to misuse of funds (Appended art. 16 para. 1 item 4)

Subject of Measures	Level of Funding Misuse		Period of Funding Stoppage
I Researchers who committed improper spending of funding and researchers who conspired in such fraudulent act	1. Misappropriation of research funds for personal gain		10 years
II Researchers who acquired funding by deception or other fraudulent means and researchers who conspired in such acts	2. Other than misappropriation of research funds for personal gain	(1) Cases of major seriousness and maliciousness	5 years
		(2) Cases other than (1) and (3)	2 to 4 years
		(3) Cases of minor seriousness and maliciousness	1 year
III Researchers who acquired funding by deception or other fraudulent means and researchers who conspired in such acts	-		5 years
IV Researchers who were not directly involved in the improper spending of funding, but failed to exercise due care	-		The upper limit is 2 years and the lower limit is 1 year depending on the degree of the breach of duty by the researchers who have the duty of care as a good manager.

\* For cases judged as subcritical to the punitive suspension measures, sharp reprimand is administered to the individual(s) concerned.

The following cases are pertinent to the “sharp reprimand” penalty.

1. Among the case II above, the researchers in case that the influence on society and the maliciousness of their conducts are judged to be insignificant and the amount of money involved is small.
2. Among the case IV above, the researchers in case that the influence on society and the maliciousness of their conducts are judged to be insignificant.