# Guidelines for Measures against Misconduct in Research Activities

November 26, 2013
Board of Directors

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## 1. The Purpose of the Guidelines

This document is intended to provide guidelines to the members of Tohoku University (hereinafter referred to as “the university”) regarding allegations of misconduct in research activities (hereinafter referred to as “allegation”) and investigation procedures, among other matters, and to broaden the knowledge of these procedures pursuant to the Rules for Promoting Fair Research Activities at Tohoku University (tentative title) (hereinafter referred to as “the Rules”).

The university will take steps to prevent misconduct based on the self-awareness and responsibilities of the members of the university, and in accordance with the Guidelines, will swiftly take rigorous and fair actions in response to misconduct.

## 2. The Framework for Dealing with Misconduct

An inquiry committee and an investigating committee will be set up to receive, conduct

an inquiry, accept, and investigate allegations of misconduct in research activities.

The inquiry committee will conduct an inquiry and other activities related to the alleged case in order to decide whether to accept the allegation because it is deemed necessary and appropriate to conduct an investigation of the case, in light of scientific and reasonable reasons, other substantive content of the allegation, the feasibility of investigation, and other circumstances.

The investigating committee will investigate whether it can be found that the accepted case entails misconduct considered in the Guidelines.

The individuals involved in the framework set forth in the Guidelines cannot be engaged in those cases in which they have a conflict of interest as listed below:

- Those cases dealing with research themes that the individual was personally involved in, including as the principal researcher or co-researcher;
- Those cases in which the individual has a kinship relationship or similar relationship with the principal researcher, co-researcher, or others; and
- Those cases in which it is found that, equivalent to the above, of the Executive Vice President or Vice President in charge of research (hereinafter referred to as "the Executive Vice President for Research"), the Executive Vice President or Vice President in charge of compliance (hereinafter referred to as "the Executive Vice President for Compliance"), and the Executive Vice President or Vice President in charge of General Affairs (hereinafter referred to as "the Executive Vice President for General Affairs"), two or more people deemed that it was appropriate to exclude the Executive Vice President or staff from the inquiry or the investigation.

3. Confidentiality

   The Executive Vice President for Research, the Executive Vice President for Compliance, the Executive Vice President for General Affairs, the members of the inquiry committee, the members of the investigating committee, the staff at the contact point, and parties associated with the investigation will maintain the confidentiality of information obtained during the proceedings. The same shall apply following the completion of their duties.

4. Applicable Misconduct

   (1) Applicable misconduct

   Misconduct in research activities is identified in the Tohoku University Code of Conduct for Fair Research Activities. Misconduct in these Guidelines means the fabrication, falsification, and plagiarism of materials presented in the published research findings, including data and study results, as listed below. However, research misconduct does not include unintentional errors, hypotheses which are

difficult to prove, practices not based on deliberate intention such as malpractice, differences in scientific opinion, practices based on the general practices of the research field, the mere incorrect recording of data, and mistakes due to errors.

① Fabrication
Making up data or research results that do not exist.

② Falsification
Manipulating research materials, equipment, or processes, or modifying data or results obtained from research activities and thereby, rendering them unauthentic.

③ Plagiarism
Appropriation of another researcher's ideas, analysis methodologies, data, research results, papers, or words, without obtaining the consent of the researcher or giving appropriate credit.

(2) Scope

These Guidelines apply to individuals at the university engaged in research, including faculty, staff, and students (university administrative staff, faculty and staff, undergraduate students, graduate students, undergraduate research students, research students of institutes, graduate research students, non-matriculated students, special auditing students and special research students, recipients of the Japan Society for the Promotion of Science's research fellowship for young scientists, and those who are not affiliated with any research institution but are engaged in research by solely using the facilities and equipment of the university; hereinafter referred to as "members"), or former members of the university (this shall be limited to those who were affiliated with the university when the research pertaining to the alleged case was being conducted; hereinafter the same shall apply).

Individuals who are affiliated with other institutions, including private companies, and are engaged in research activities at the university through such activities as joint research may be treated as members of the university based on consultations with the said affiliated institutions.

(3) Other

In addition to the misconduct in (1), ① to ③ above, serious deviation from commonly accepted practices in research ethics that the inquiry committee deems the university must deal with as an improper research practice, may be dealt with through the application of these Guidelines.

5. Bodies Conducting the Investigation of the Case Pertaining to the Allegation

① If an allegation is made pertaining to a researcher who is a member of the

university, the university will in principle conduct the inquiry and investigation of the alleged case (hereinafter referred to as “the investigation, etc.”).

② If the respondent is affiliated with several research institutions including the university, the research institution which primarily conducted the research pertaining to the case in which an allegation was made against the respondent will, in principle, lead the investigation together with the other institutions with which the respondent is affiliated. However, the institution which will lead the investigation, the institutions which will participate in the investigation, and the method of the investigation will be set forth by the relevant institutions through consultations regarding the details of the case, along with other matters.

③ If the respondent is a member of the university and conducted the research pertaining to the alleged case at a research institution other than the university, the said research institution at which the research was conducted and the university may jointly conduct the investigation of the alleged case.

④ If the respondent was a member of the university when the research pertaining to the alleged case was conducted but has already left the university, the research institution with which the respondent is currently affiliated and the university may jointly conduct the investigation of the alleged case. In cases where the respondent is not affiliated with any research institution following his/her departure from the university, the university will conduct the investigation of the alleged case.

⑤ If the funding agency is conducting the investigation and requests the cooperation of the university, the university will cooperate with the investigation in accordance with the Guidelines.

⑥ The university may entrust other research institutions, academic societies, and other bodies to conduct the investigation or request their cooperation in carrying out the investigation, etc.

6. The Framework and the Method of the Investigation of the Allegation

(1) The contact point for dealing with allegations

① A contact point will be established at the Administration Bureau for dealing with allegations of misconduct in research activities (hereinafter referred to as “the allegation contact point”). The location and the contact details of the

allegation contact point will be set forth separately.

② Individuals who discovered research misconduct conducted by a member or former member of the university, has strong suspicions about the existence of misconduct, discovered misconduct that is about to take place, or were asked to conduct misconduct may make an allegation to the allegation contact point specified in ① using the allegation form in the Appendix, without being members of the university.

Allegations will be made by various modes, including postal mail, fax, or e-mail. Allegations will be made non-anonymously, and will present scientific and reasonable reasons regarding why misconduct is alleged.

③ If items prescribed in the allegation form have not been filled in, the allegation contact point will request the individual attempting to make an allegation (hereinafter referred to as “the complainant”) to supplement the information.

④ If the complainant does not respond to the allegation contact point’s request to supplement the information and items prescribed in the allegation form have not been filled in, the allegation contact point may decide not to accept the allegation form and not to start an inquiry.

⑤ If the allegation contact point accepts an allegation form, it will promptly send it to the Executive Vice President for Research.

⑥ If the allegation contact point accepts an allegation form, it will notify the complainant of the allegations.

⑦ The Executive Vice President for Research will set up the inquiry committee provided for in (2), and have the committee determine whether it is appropriate to initiate an investigation of the case for which an allegation has been made (accept or not accept the allegation).

⑧ For allegations in which misconduct is about to take place or the complainant was asked to perform an act of misconduct, the Executive Vice President for Research will, in consultation with the Executive Vice President for Compliance and the Executive Vice President for General Affairs, confirm and review the nature of the misconduct. If it is found that there is adequate cause, the Executive Vice President for Research will issue a warning to the respondent and notify him/her about the said warning to the head of the schools, institutes, and offices with which the respondent

is affiliated. However, if the respondent is a former member of the university, the allegation may be sent to the research institution with which the respondent is affiliated. If the university issues a warning to a respondent who is a former member of the university, it will notify the research institution with which the respondent is affiliated of the details of the warning as well as other information.

⑨ For consultations which are made without an expressed intention of making an allegation, the contact point which received the consultation will promptly report the details of the consultation to the Executive Vice President for Research. The Executive Vice President for Research will, in consultation with the Executive Vice President for Compliance and the Executive Vice President for General Affairs, confirm and review the nature of the consultation. If it is found that there is adequate cause, the Executive Vice President for Research will confirm with the individual who consulted the contact point whether he/she intends to make an allegation. Even in cases where he/she did not express intention of making an allegation, if the Executive Vice President for Research, the Executive Vice President for Compliance, or the Executive Vice President for General Affairs finds it adequate, an inquiry committee will be set up and an inquiry will be initiated. The specifics regarding the procedures for accepting consultations will be set forth separately.

(2) Inquiry committee

① The Executive Vice President for Research will, in order to determine whether it is appropriate to initiate an investigation of the case for which an allegation has been made (accept or not accept the allegation), establish an inquiry committee consisting of the individuals specified below. However, the individuals in E), F), and G) will be appointed as necessary through consultations among the Executive Vice President for Research, Executive Vice President for Compliance, and the Executive Vice President for General Affairs. Furthermore, the inquiry committee may, based on the consultations of the committee following its establishment, appoint additional members as necessary from the individuals specified in E), F), and G) below. Individuals who have a conflict of interest with the complainant and respondent shall not serve as members of the inquiry committee.

A) Executive Vice President for Research
B) Executive Vice President for Compliance
C) Executive Vice President or Vice President in charge of public relations
D) The head of the school, institute, or office with which the respondent is

affiliated

E) An individual outside of the university engaged in research in the research field pertaining to the allegation
F) Lawyer
G) Others

Cases in which there is a conflict of interest with the complainant and respondent refer to cases which fall under any one of the following:

A) Cases dealing with research that the individual was personally involved in, including as the principal researcher or co-researcher of the research which has been pointed out as misconduct;
B) Cases in which the individual has a kinship relationship or similar relationship with those such as the principal researcher or co-researcher of the research which has been determined to be a form of misconduct;
C) There is a probability that such things as the patent or technical transfer associated with the individual, his/her relative, or someone with a similar relationship will be affected, depending on whether the research which has been pointed out as misconduct produces or does not produce the findings as stated in the paper;
D) The individual has a close mentor-student relationship or a direct employment relationship with those such as the principal researcher or co-researcher of the research which has been pointed out as misconduct;
E) The research which has been pointed out as misconduct is joint research conducted with a company, etc., and the individual, his/her relative, or someone with a similar relationship participated in or is associated with the joint research;
F) The individual has a kinship relationship or similar relationship with the complainant;
G) The individual has a close mentor-student relationship or a direct employment relationship with the complainant; and
H) It can be deemed there is a large risk that the fairness of the procedures would be significantly impaired due to conflicts of interest equivalent to the previous items.

② Of the allegations in which the details of the case, including the researcher and group that allegedly performed the misconduct as well as the nature of the misconduct, are specified, and furthermore, in which the scientific and reasonable reasons for alleging misconduct are presented, the inquiry committee will accept those allegations for which the items identified as misconduct on the allegation form are suspected to be consistent with the

misconduct considered in these Guidelines.

③ In addition to the cases in which the acceptance requirements provided for in the previous item are not satisfied, the inquiry committee has the option not to accept an allegation if it determines that any one of the following applies:

A) Five or more years have passed in principle since the publication date of the research paper pertaining to the allegation (if the research has not yet been published, the anticipated date on which the practice took place that is identified as misconduct in the allegation) and it is difficult to carry out an investigation;

B) The university does not have qualification as the investigating agent, e.g., the respondent is not a member of the university;

C) The allegation is in essence similar to an allegation for which the university has already conducted an investigation. If this applies to one part of the allegation, the inquiry committee has the option not to accept this portion; and

D) In addition to the provisions of the preceding items, it is found that it is not suitable for the university to conduct the investigation pursuant to these procedures, comprehensively taking into consideration the substantive content of the allegation, the degree of investigation feasibility, the extent to which the university qualifies as the investigating agent, the extent of the complainant's cooperation with the procedures, and other situations.

④ If deemed necessary for determining whether the allegation should be accepted, the inquiry committee has the authority to carry out a hearing with relevant parties, including the complainant and respondent, and request the submission of various materials. Relevant parties shall cooperate and cannot refuse without valid reasons.

⑤ If, pursuant to the provisions of 5., the university does not fall within the institutions which should be conducting the investigation, the allegation will be sent to the research institution or other body which is deemed fit to conduct the investigation.

If an allegation for which the university is deemed fit to conduct the investigation is sent over to the university from another research institution, the allegation will be dealt with as if the allegation was made to the university.

If it is anticipated that there are other research institutions, which are fit to conduct the investigation in addition to the university, the relevant research

institutions will be notified of the allegations, which then can be discussed.

⑥ If the funding agency requests an investigation, the inquiry committee will initiate an inquiry into the case in accordance with these Guidelines.

⑦ If the media, other agencies, or academic societies identify suspicions of misconduct, an inquiry committee will be established and initiate an inquiry only when it is deemed appropriate to establish such a committee by either the Executive Vice President for Research, the Executive Vice President for Compliance, and the Executive Vice President for General Affairs.

⑧ The Executive Vice President for Research and the head of the school, institute, or office will see to it that those who have conflicts of interest with the complainant or respondent as well as those deemed to be involved in the misconduct that is the subject of the allegation are not involved in procedures such as the inquiry.

⑨ If judgment based on expert advice is necessary, the inquiry committee may request schools, institutes, and offices, or individuals outside of the university to offer opinions from the points of view of experts. The inquiry committee will decide whether to accept the allegation taking into account these opinions.

⑩ The inquiry committee must decide whether to accept the allegation within 90 days or less in principle from the date on which the allegation was received. However, this shall not apply in cases in which judgment based on expert advice is necessary, and schools, institutes, and offices, or individuals outside of the university were requested to offer opinions.

⑪ The inquiry committee will report the results of the inquiry to the President.

⑫ The Executive Vice President for Research will notify the inquiry results to the complainant as commissioned by the President. If a decision is made not to accept the allegation, the complainant will be notified of this along with the reasons.

(3) Investigation committee

① If the inquiry committee accepts an allegation, the Executive Vice President for Research will establish an investigation committee to determine whether research misconduct happened. The Executive Vice President for

Research will appoint the members of the investigation committee from among those listed below in consultation with the Executive Vice President for Compliance, the Executive Vice President for General Affairs, and the head of the school, institute, or office with which the respondent is affiliated. Furthermore, the investigation committee may, based on the consultations of the committee following its establishment, appoint additional members as necessary from the individuals specified below. Individuals who have a conflict of interest with the complainant and respondent specified in (2), ① shall not serve as members of the investigation committee.

A) University faculty members engaged in research in the research field pertaining to the allegation (Several)
B) University faculty members engaged in research in research fields not pertaining to the allegation (Several)
C) Non-university members engaged in research in the research field pertaining to the allegation (Several)
D) Lawyer (1)
E) Others

② Notification and the report

A) The Executive Vice President for Research will, when the investigation committee is established, notify the complainant and respondent of the names of the members of the investigation committee and their affiliations, along with the description of the suspicions, and request their cooperation with the investigation. In response, the complainant and respondent may make a petition for objection in writing by identifying the reasons for objection in principle within seven days, including the date on which the notification was received. If a petition for objection is made, the Executive Vice President for Research, the Executive Vice President for Compliance, and the Executive Vice President for General Affairs will review the content. If it is determined based on consultations that the content is valid, the members pertaining to the petition for objection will be replaced, and this will be communicated to the complainant and respondent. If it is decided that the petition for objection should be rejected, the Executive Vice President for Research will notify the complainant and respondent who submitted the petition for objection of the decision.

B) If public research funds were distributed for the research pertaining to the case, the President will specify that an investigation will be conducted of the funding agency.

③ Investigation method and authority

A) According to the content of the allegation, the investigation will be conducted by reviewing various materials, including the paper pertaining to the alleged research (including the writing process and the exchanges conducted with editors), raw data (e.g., primary data which has been directly obtained from the experiment and which has not been processed), experiment and observation notes, and experiment specimens and reagents, as well as hearings with relevant parties and requests for re-conducting the experiment.

B) The respondent will be given an opportunity to offer an explanation.

C) If the respondent is requested by the investigation committee to demonstrate the reproducibility of the experiment process by re-conducting the experiment or by other means, or if the respondent him/herself requests to re-conduct the experiment out of his/her own will and the investigating committee deems this as useful, the respondent will be given the time and opportunity required to re-conduct the experiment.

D) The investigating committee has the authority to conduct investigations by carrying out hearings with relevant parties, including the complainant and respondent (including responses in writing) and by requesting the submission of various materials. Relevant parties shall cooperate with the investigation and may not deny cooperation without valid reasons.

④ In addition to the research pertaining to the allegation, the objects of the investigation can include other research conducted by the respondent related to the content of the allegation pursuant to the judgment of the investigating committee. In such cases, the investigating committee will notify the respondent about conducting an additional investigation.

⑤ The investigating committee will take measures to preserve, with the cooperation of relevant schools, institutes, and offices, materials, which would serve as evidence concerning the research pertaining to the allegation in the course of the investigation (including purchase slips of trial specimens and reagents, relevant image data and analysis data, electronic data such as e-mail; hereinafter the same shall apply in this paragraph).

The Executive Vice President for Research will, if the research institution which conducted the research pertaining to the allegation is not the university, request the research institution to take measures to protect materials, which would serve as evidence concerning the research pertaining to the allegation. Research activities of the respondent will not be restricted if they do not have an impact on these measures.

⑥ The investigation committee may, if deemed particularly necessary in conducting the investigation, establish a committee consisting of individuals from outside of the university and request the opinions of the said committee.

⑦ The investigation committee will give sufficient consideration to ensure that in conducting the investigation, information which should be kept confidential for research or for technical purposes, including pre-published data and papers on the objects of the investigation (hereinafter referred to as “confidential information”), is not leaked beyond the scope necessary for executing the investigation.

In protecting materials, etc. set forth in ⑤, if confidential information is included in the protected material, the respondent will specify this. The members of the investigation committee tasked with the protection of materials will confirm with the respondent when protecting materials whether relevant confidential information is included or not.

⑧ The President can, if requested by the funding agency of the research pertaining to the allegation, give the funding agency an interim report of the investigation if deemed necessary, even if the investigation has not been completed.

(4) Treatment of the complainant and respondent

① The complainant may be requested to cooperate with the provision of more detailed information and with the investigation, etc. conducted based on the allegation. In such cases, the complainant must cooperate in good faith.

Both during the investigation and after the completion of the investigation, the complainant must not disclose the details of the allegation and any information obtained through the investigation.

② The inquiry committee or the investigating committee can suspend the

investigation if it deemed that the complainant caused a grave interference with the investigation procedure, such as not cooperating with the investigation.

③ In dealing with the allegation, the Executive Vice President for Research must take appropriate measures to maintain confidentiality, including ensuring that the identity of the complainant and the details of the allegation are not made known to those other than the staff in charge at the contact point.

④ If the investigation case is leaked, the Executive Vice President for Research can, with the consent of the complainant and respondent, provide an explanation to the public regarding the investigation case, irrespective of whether the investigation is ongoing. However, if the leakage is attributable to the complainant or respondent, the consent of the individual who leaked the case is unnecessary.

⑤ Unless it becomes evident as a result of the investigation that the allegation was based on wrongful intent (intent to primarily cause some kind of harm to the respondent, such as to entrap the respondent or interfere with the research conducted by the respondent, or to create a disadvantage for the agency or organization with which the respondent is affiliated; hereinafter the same shall apply), adverse disposition, including dismissal, reassignment, disciplinary action, demotion, and salary reduction, may not be imposed against the complainant merely for the reason of making the allegation.

⑥ Allegations based on wrongful intent are not permitted by any means. If it becomes evident that the allegation was based on wrongful intent, it is possible that the name of the complainant will be released, the complainant will be subject to disciplinary action, or a criminal prosecution will be conducted.

⑦ Without adequate cause, the research activities of the respondent must not be banned across the board solely because an allegation was made. Similarly, adverse disposition, including dismissal, reassignment, disciplinary action, demotion, and salary reduction, may not be imposed.

(5) Decision

① Decision

A) The investigation committee will compile the investigated content within

roughly 150 days following the establishment of the investigation committee (however, this does not apply in unavoidable cases, including if the respondentis not at the university for valid reasons, such as a business trip or illness) and determine whether misconduct took place. If the research is determined as misconduct, its description, the individual involved in misconduct, the level of involvement, the roles which individual authors of a paper pertaining to the research determined as misconduct played in the said paper as well as the said research, and its relationship with the public research funds used for the research, etc. will be determined.

B) If it is determined that misconduct did not take place and through the investigation it becomes evident that the allegation was based on wrongful intent, the investigation committee will also make this determination. In making this determination, the investigating committee must listen to the explanation of the complainant.

C) If A) or B) is determined, the investigating committee must immediately report this to the President.

② Accountability for suspicions of misconduct

A) If during the investigation of the investigating committee, the respondent tries to clear him/herself of the suspicion pertaining to the allegation, the respondent has the responsibility of explaining by presenting the scientific grounds by which the research was conducted in accordance with scientifically appropriate methods and procedures and accordingly the documents were written using proper expressions.

If the investigation committee deems that it is useful to re-conduct the experiment to confirm that the experiment was conducted in accordance with appropriate methods and procedures, such opportunities will be provided.

B) If, in the explanation of the respondent in A), the respondent is unable to present evidence due to a lack of basic elements which should normally exist, including raw data, experiments and observation notes, and experiment specimens and reagents, the investigation committee will carry out a comprehensive examination and judgment. If it can be deemed that there are valid reasons, such as the respondent was unable to sufficiently present the above basic elements due to reasons not attributable to the respondent (e.g., disaster) despite having executed

the duty of care of a good manager, the investigating committee will carry out an examination in light of this situation. The same shall apply when the lack of elements, including raw data, experiments and observation notes, and experiment specimens and reagents, was due to the expiration of the reasonable storage life based on the characteristics of the research field.

C) The extent of accountability in A) and the basic elements which should normally exist in B) above will be determined by the investigating committee based on the characteristics of the research field.

③ Determination of misconduct in research

A) If the investigation committee examines whether the research can be characterized as an objective misconduct with willful purpose and both objective misconduct and willful purpose are found, the research is determined to be a case of misconduct.

B) Objective misconduct is determined based on the explanation given by the respondent pursuant to ②, A) above and a comprehensive judgment of various evidence, including physical and scientific evidence, testimony, and confession of the respondent obtained through the investigation. Objective misconduct cannot be determined solely on the grounds that the respondent has made a confession or that reproducibility cannot be proven.

C) Willful purpose is determined when it can be strongly found on the basis of the assessment of the testimony of the respondent, of the research approach of the respondent, of the way data is checked, and of other situations that the research was due to a willful purpose.

D) The probative force of the evidence concerning the judgment in B) and C) above is determined by the investigating committee. However, if the respondent is unable to present basic evidence that should normally be available, including raw data, experiment and observation notes, and experiment specimens and reagents, the investigating committee may, based on a comprehensive review with other evidence, determine information which is disadvantageous to the respondent.

④ Notification and report of the investigation results

A) The Executive Vice President for Research, commissioned by the President, will promptly notify the complainant and respondent

(including those other than the respondent who are determined to have been involved in misconduct of the investigation results; hereinafter the same shall apply in ⑤ and ⑦.). If the respondent is affiliated with an organization other than the university, the organization with which the respondent is affiliated will also be notified of. the investigation results

B) The President will notify the funding agency of the research of the investigation results pertaining to the case. In the case of an investigation pertaining to a paper which was withdrawn before the allegation was made and it was determined that there was misconduct, the measures that the researchers themselves took, such as withdrawing the paper and the background and situation that led to taking these measures will be supplemented (the same shall apply in the case of the latter clause of A) above).

C) If it is determined that the allegation was based on wrongful intent, the Executive Vice President for Research will notify the school, institute, or office with which the complainant is affiliated, or if the complainant is affiliated with an organization other than the university, to the organization with which the complainant is affiliated of the investigation results.

⑤ Petition for objection

A) The respondent who was determined to have performed an act of misconduct may make a petition for objection in writing to the Executive Vice President for Research by identifying the reasons for objection within 14 days, including the date of receipt of the decision. However, the respondent cannot make repeated petitions for objection for the same reason, even if the petitions fall within the aforementioned period.

B) The complainant who was determined to have made an allegation based on wrongful intent (including those who were determined to have made an allegation based on wrongful intent at the stage of reviewing the respondent’s petition for objection; the determination in this case is equivalent to ①, B) above) may make a petition for objection against the decision pursuant to A).

C) When a petition for objection is received, the Executive Vice President for Research will have the investigating committee, which made the decision, carry out the inquiry into the petition for objection.

D) If the respondent makes a petition for objection pertaining to the determination of misconduct, the investigation committee will, during the inquiry of the petition for objection, promptly decide whether to conduct a re-investigation of the case, taking into account matters such as the purpose of the petition for objection and the reasons. If it is decided that the case does not warrant a re-investigation and that the petition for objection should be rejected, the investigating committee will report this to the Executive Vice President for Research, and the Executive Vice President for Research will notify the complainant or the respondent who made the petition for objection of the decision.

E) When the respondent has made a petition for objection pertaining to the determination of misconduct, the investigating committee will notify the complainant, and the President will notify the funding agency of the research pertaining to the case. The same shall apply when a decision is made to reject the petition for objection or initiate re-investigation.

F) If it was decided in D) to conduct a re-investigation and the investigating committee initiated the re-investigation, the investigating committee will request the respondent for cooperation with the re-investigation, including the submission of materials which disprove the earlier investigation results. The investigation committee will verify the submitted materials, decide whether the materials disprove the earlier investigation results within roughly 50 days from the start of the investigation, and immediately report the results to the President. However, if cooperation from the respondent cannot be obtained, the investigation committee may terminate the re-investigation. The Executive Vice President for Research, commissioned by the President, will notify the respondent, the school, institute, or office or organization with which the respondent is affiliated, and the complainant of the results. The President will notify the funding agency of the research pertaining to the case.

G) If a petition for objection is made by the complainant who was determined to have made an allegation based on wrongful intent, the Executive Vice President for Research will notify the school, institute, or office or organization with which the complainant is affiliated or the complainant. The President will notify the funding agency of the research pertaining to the case. The same shall apply when a decision is made to reject the petition for objection and initiate re-investigation.

H) With regard to the petition for objection in G), the investigating committee which made the determination will conduct a re-investigation and report the results to the President within roughly 50 days from the start of the investigation. The Executive Vice President for Research, commissioned by the President, will notify the complainant, the school, institute, or office or organization with which the complainant is affiliated, and the respondent of the results. The President will notify the funding agency of the research pertaining to the case.

I) A petition for objection cannot be made based on the results of the above re-investigation.

⑥ Submission of investigation materials

If the funding agency requests the submission or the review of materials pertaining to the case while the investigation of the case is ongoing, the request will in principle be accepted. However, this shall not apply if there are valid reasons, including interference with the investigation.

⑦ Disclosure of investigation results

A) If it is determined that misconduct took place, the President will in principle disclose the investigation results, except for sections which have reasonable reasons for non-disclosure, including the protection of personal information and intellectual property.

B) If it is determined that misconduct did not take place, the President will in principle not disclose the investigation results, except for cases in which disclosure is requested by the respondent. However, in situations where the case being investigated has leaked to the outside prior to disclosure, the investigation results are sometimes disclosed.

7. Measures for Complainants and Respondents

During the inquiry and investigation of the complainant and respondent, or during the period from the determination of misconduct to the implementation of measures by the funding agency, the university will take the following measures. However, this does not prevent other measures being taken against respondents associated with papers, which were withdrawn prior to the complainant making the allegation of research misconduct.

(1) Temporary measures during the inquiry and investigation processes

The Executive Vice President for Research may, based on consultations with the Executive Vice President for Compliance and the Executive Vice President for General Affairs, until the completion of the investigation order the suspension of the disbursement of public research funds pertaining to the alleged research as well as of public research funds pertaining to the research which was considered in the investigation on the grounds that it was related to the content of the allegation, or order the implementation of other necessary measures upon identifying the reason to the head of the school, institute, or office with which the respondent is affiliated, or other relevant parties.

(2) Measures if it is determined that misconduct was conducted

① Suspension of use of public research funds

If the investigation committee determines that misconduct took place, and if the individual determined to be involved in the misconduct and the individual who was not determined to be involved but was determined by the investigating committee as being responsible for the content of the paper that was determined to include misconduct (hereinafter referred to as "the responsible person") is affiliated with the university, the Executive Vice President for Research can, based on consultations with the Executive Vice President for Compliance and the Executive Vice President for General Affairs, order the head of the school, institute, or office with which the responsible person is affiliated to suspend the use of the public research funds distributed to the responsible person, in whole or in part, and the head of the school, institute, or office can immediately notify thereof the responsible person and suspend the disbursement.

② Other measures

The university will take appropriate measures against the responsible person affiliated with the university in accordance with university regulations, including the Employment Rules for Tohoku University Staff, the Rules for the Admonishment of Tohoku University Staff, and the Rules for the Reprimand of Tohoku University Staff.

The Executive Vice President for Research will advise the responsible person to withdraw the paper determined to contain acts of misconduct.

(3) Measures if it is not determined that misconduct was conducted

① If it is determined that misconduct did not take place (if the allegation was not accepted or if it is determined that misconduct did not happen), the Executive Vice President for Research will lift the measures which suspend the disbursement of public research funds taken at the time of the inquiry

and investigation.

The measures for preserving evidence will be promptly lifted after the petition period has passed without a petition for objection, or after the results of the inquiry of the objection petition have been finalized.

② The Executive Vice President for Research will inform parties associated with the investigation that misconduct did not take place in the case.

If the case has been leaked to parties other than those associated with the investigation, parties other than those associated with the investigation, will be informed as necessary.

③ The Executive Vice President for Research will, as necessary, take measures to restore the reputation of the individual determined as not guilty of misconduct, as well as measures to prevent the occurrence of disadvantages.

④ If it is determined that the allegations were based on wrongful intent and the complainant is affiliated with the university, the university will take appropriate measures against the complainant in accordance with university regulations, including the Employment Rules for Tohoku University Staff, the Rules for the Admonishment of Tohoku University Staff, and the Rules for the Reprimand of Tohoku University Staff.

8. Other

In addition to the provisions of the Guidelines, items which are necessary for the implementation of investigations and other processes shall be set forth separately.

Appendix

# Allegation Form

Date: _____

Attn: Allegation Contact Point

| | |
|---|---|
| Complainant<br>*Please identify your name<br>(cannot be anonymous) | Affiliation:<br>Name:<br>Address:<br>TEL: |
| Desired Contact Method<br><br>(Select and fill in at least one) | E-mail: (Home / Work / Mobile)<br>FAX: (Home / Work)<br>Postal Mail: 〒 – (Home / Work) |

I hereby make the following allegation pursuant to 6., (1), ② of the Tohoku University Guidelines for Measures against Misconduct in Research Activities.

| | | |
|---|---|---|
| Description of allegation | 1. Respondent | Name of affiliated institution:<br>Name of respondent: |
| | 2. Description of allegation | (1) Around when did the misconduct take place?<br><br>(2) Please describe how you became aware of the misconduct.<br><br>(3) Please describe the specific nature of the misconduct.<br><br>*Please provide as many details on each item as possible. If there is not enough space, please supplement additional pages as appropriate, or create an appendix. |
| | 3. Availability of Evidence | Yes No<br>*If “yes,” please attach the relevant materials. |

* You will not receive disadvantageous treatment for the sole reason that you made an allegation. (However, if it becomes evident as a result of the investigation that the allegation was based on wrongful intent, you may be subject to measures, such as disciplinary action.)

* Your name and other personal information will be used only to the extent that it is necessary, including for communication between the complainant and the contact point, and the information will be properly protected. The name of the complainant and other information will not be made known to those other than the parties relevant to the investigation.