

Guidelines for the Investigation of Misuse of Competitive Research Funds, Etc. at Kyoto University

Complete Amendment by Ruling of the Chief Administrative Officer, August 12, 2021

(Purpose)

Article 1. These Guidelines stipulate matters necessary with regard to investigations into the Misuse of Competitive Research Funds, Etc., in accordance with the provisions of Article 15, paragraph 2 of the Regulations on the Appropriate Management of Competitive Research Funds, Etc. at Kyoto University (Order No. 38 of 2014; hereinafter referred to as “the Regulations”).

(Definitions)

Article 2. The meanings of terms used in these Guidelines shall be governed by those provided in the Regulations.

(Composition of Competitive Research Funds Investigation Committee)

Article 3. A Competitive Research Funds Investigation Committee (hereinafter referred to as the “Investigation Committee”) shall be established under the Executive Vice-President for Research Integrity (hereinafter referred to as the “Executive Vice-President”) in order to implement investigations stipulated under Article 15, paragraph 1 of the Regulations.

2. The Investigation Committee in the preceding paragraph shall be composed of the following members.

(1) A small number of Vice-Presidents and/or Deputy Executive Vice-President nominated by the Executive Vice-President

(2) Director of Personnel Department

(3) Director of Financial Affairs Department

(4) Director of Research Promotion Department

(5) Director of Compliance Department

(6) A small number of Faculty and Staff Members nominated by the Executive Vice-President

(7) One or more external expert(s) engaged by the Executive Vice-President

3. At least one of the members of the Committee under in clause (7) of the preceding paragraph must be a specialist in legal affairs.

4. The Committee shall have a Chairperson who shall be nominated by the Executive Vice-President from among the members prescribed in clause (1) of paragraph 2.

5. If necessary, the Committee may have a Deputy Chairperson who shall be nominated by the Chairperson from among the members of the Committee.

6. The term of office of members shall be 2 years, with no restriction on re-appointment, provided that replacement members shall hold office for the remaining term of their predecessors.

7. In the event that a member of the Investigation Committee has a direct interest in a Reporting Person or person reported, said member shall not participate in any investigation pertaining to Misuse of Competitive Research Funds, Etc. in which said interest is held.

8. In the case of the preceding paragraph or in the event that the Executive Vice-President considers that other unavoidable circumstances apply, another person may be nominated or engaged by the Executive Vice-President as a member to participate in the investigation as a replacement for the member concerned.

9. The term of office of a member participating in an investigation pursuant to the preceding paragraph shall commence on the day said member was nominated or engaged and cease upon conclusion of said investigation, notwithstanding the provisions of paragraph 6.

10. When nominating or engaging members under paragraphs 2 and 8, the Executive Vice-President shall notify said members that their names and affiliation with the

Investigative Committee shall be made public pursuant to the stipulations of Article 20 of the Regulations and Article 18, paragraph 1 of these Guidelines.

(Preliminary Investigation)

Article 4. Upon receiving a report under Article 13, paragraph 4 of the Regulations, the Departmental Management Officer (if the Departmental Management Officer is the subject of the report or has direct interest in the Reporting Person or person reported, the Deputy Departmental Management Officer or other person who is not the subject of the report and does not have a direct interest in the subject or the Reporting Person shall serve as replacement; hereinafter the same) shall conduct a Preliminary Investigation as to the possibility that an Misuse of Competitive Research Funds, Etc. has occurred, and report the results of this Preliminary Investigation to the Executive Vice-President and the Compliance Department, together with the matters set forth below, within approximately 14 days of receiving said report.

- (1) Whether or not a full-scale investigation (hereinafter referred to as the “Formal investigation”) is required; and
- (2) If it is considered highly likely that a Misuse of Competitive Research Funds, Etc. has not occurred, the possibility that the report has been made for a fraudulent purpose.
2. In the event that multiple Departments are associated with a Preliminary Investigation under the preceding paragraph, the Preliminary Investigation may be conducted jointly following consultation among the associated Departments.
3. Preliminary Investigations shall be conducted using methods such as scrutiny of materials pertaining to the reported Misuse of Competitive Research Funds, Etc., and interviews of associated parties.
4. In the course of a Preliminary Investigation under paragraph 1, the relevant Departmental Management Officer may direct that measures be taken to preserve materials for use as evidence.
5. In the course of a Preliminary Investigation under paragraph 1, the relevant Departmental Management Officer may request the cooperation of relevant Departments of the university’s central administration as necessary.
6. In the event that the Executive Vice-President considers it difficult for a Preliminary Investigation to be conducted in the relevant Department, the Executive Vice-President may direct the Departmental Management Officer of a Department associated with the relevant Department to conduct the Preliminary Investigation jointly or to cooperate with the conduct of the Preliminary Investigation by the relevant Department.
7. In the course of a Preliminary Investigation, the relevant Departmental Management Officer may require the Reporting Person, the person reported, and other associated parties to cooperate as necessary. Moreover, in the event that a Department within the university holds originals or copies of materials necessary for the scrutiny of materials under paragraph 3, the relevant Departmental Management Officer or the Executive Vice- President may require said Department to loan said originals or provide said copies.

(Reporting and notification of the need for a Formal Investigation)

Article 5. The Executive Vice-President shall, in accordance with a report on the results of a Preliminary Investigation under paragraph 1 of the preceding article, promptly decide whether or not to conduct a Formal Investigation, and report this decision together with the grounds therefor to the Chief Administrative Officer and the relevant Departmental Management Officer.

2. Upon receiving a report of a decision to conduct a Formal Investigation under the preceding paragraph, the relevant Departmental Management Officer shall establish a committee (hereinafter referred to as a “Departmental Investigation Committee”) to conduct an investigation (hereinafter referred to as a “Departmental Investigation”) into the matter.
3. Notwithstanding the provision of the preceding paragraph, in the event that there are two or more relevant Departments, these Departments may establish a single Departmental Investigation Committee jointly.

4. In the event that the preceding paragraph applies, a representative Departmental Management Officer shall be selected based on consultation among the relevant Departments.
5. In the event that the relevant Departmental Management Officer (or the representative Departmental Management Officer in the event that one has been selected pursuant to the preceding paragraph; hereinafter the same) establishes a Departmental Investigation Committee pursuant to the provisions of paragraphs 2 and/or 3, said Departmental Management Officer shall report this establishment to the Executive Vice-President together with the names and affiliations of the members of the Departmental Investigation Committee.
6. Upon receiving a report under the preceding paragraph, the Executive Vice-President shall promptly notify the Reporting Person and the person reported of the decision to conduct a Formal Investigation, the grounds therefor, and the names and affiliations of the members of both the Investigative Committee (including replacement members in the event of replacement pursuant to Article 3, paragraph 8) and the Departmental Investigative Committee (including replacement members in the event of replacements pursuant to mutatis mutandis application of Article 3, paragraph 8 under the provisions of Article 9, paragraph 2).
7. If the Executive Vice-President decides not to conduct a Formal Investigation pursuant to paragraph 1, the Executive Vice-President shall promptly notify the Reporting Person of this decision and the grounds therefor.
8. Upon receiving a report under paragraph 1, the Chief Administrative Officer shall report to the funding organization on whether or not a Formal Investigation is to be conducted, within 30 days of receiving the report. Moreover, in the event that the person reported is affiliated with another organization, the Chief Administrative Officer shall notify the head of said organization of the decision to conduct a Formal Investigation.
9. In the event that the Executive Vice-President decides to conduct a Formal Investigation pursuant to paragraph 1 and said Formal Investigation concerns the possibility that the report was made for a fraudulent purpose, the Executive Vice-President shall report accordingly to the Departmental Management Officer of the Department with which the Reporting Person is affiliated and to the Chief Administrative Officer. In such event, if the Reporting Person is affiliated with another organization, the Chief Administrative Officer shall report accordingly to the head of said organization.

(Objections)

- Article 6. If a Reporting Person or person reported objects to the content of a notification under paragraph 6 or 7 of the preceding article, he/she may lodge an objection to the Executive Vice-President within 7 days of the day of receiving said notification.
2. Objections under the preceding paragraph must be lodged in writing (including by fax or e-mail; hereinafter the same) with the nature and grounds of the objection stated concretely.
 3. In the event that an objection is lodged pursuant to paragraph 1, the Executive Vice-President shall review its content and, if considered necessary, replace members of the Investigation Committee for the Formal Investigation, and/or direct the relevant Departmental Management Officer to conduct another Preliminary Investigation or replace members of the Departmental Investigative Committee to whom the objection pertains.
 4. If members of the Investigation Committee and/or Departmental Investigation Committee are replaced as a result of a review under the preceding paragraph, the Executive Vice-President shall notify the Reporting Person and the person reported of the names and affiliations of the members of the Investigative Committee and/or Departmental Investigative Committee to whom the replacement pertains.
 5. In the event that a Reporting Person or person reported receiving a notification under the preceding paragraph objects to the replacement members of the Investigative Committee and/or Departmental Investigative Committee, he/she may lodge an objection to the Executive Vice-President within 7 days of the day of receiving said notification. The provisions of the preceding three paragraphs shall apply mutatis mutandis in such case.

(Suspension of use of Competitive Research Funds, Etc.)

Article 7. In the event that the relevant Departmental Management Officer receives a notification of a decision to conduct a Formal Investigation pursuant to Article 5, paragraph 1, said Departmental Management Officer may prevent a person reported by a Reporting Person (other than one affiliated with another organization) from using Competitive Research Funds, Etc. and/or institute other measures considered necessary, until such time as he/she receives a report under Article 12, paragraph 2.

(Departmental Investigation)

Article 8. When conducting a Departmental Investigation, the Departmental Investigation Committee shall formulate an investigation policy that states matters such as the subject of the investigation and the methods to be used in it, and shall report said investigation policy to the relevant Departmental Management Officer.

2. Upon receiving a report under the preceding paragraph, the relevant Departmental Management Officer shall report the investigation policy to the Executive Vice-President.
3. Upon receiving a report under the preceding paragraph, the Executive Vice-President shall have the investigation policy verified by the Investigation Committee.
4. If the Investigation Committee considers it necessary following a verification under the preceding paragraph, the Investigation Committee shall direct the Departmental Investigative Committee, via the relevant Departmental Management Officer, to amend the investigation policy.
5. The Departmental Investigation Committee shall report the investigation policy amended in accordance with directions under the preceding paragraph to the Investigation Committee, via the relevant Departmental Management Officer.
6. The Investigation Committee shall report promptly to the Executive Vice-President on the results of a verification under paragraph 3 and, in the event it receives a report under the preceding paragraph, the amended investigation policy.
7. Upon receiving a report under the preceding paragraph, the Executive Vice-President shall consult with the funding organization regarding the investigation policy to which said report pertains, and if considered necessary as a result of that consultation, shall direct the Departmental Investigation Committee to amend the policy.

(Departmental Investigation Committee)

Article 9. A Departmental Investigation Committee must be composed of at least 3 members, including Faculty and Staff Members of the university nominated by the relevant Departmental Management Officer, and external experts engaged by the relevant Departmental Management Officer, provided that at least one of the external experts must be a specialist in legal affairs.

2. The provisions of Article 3, paragraphs 7, 8, and 10 shall apply mutatis mutandis to Departmental Investigation Committees. In such case, the term "Investigation Committee" shall be replaced with "Departmental Investigation Committee," the term "Executive Vice-President" with "relevant Departmental Management Officer" the term "paragraphs 2 and 8" with "Article 9, paragraph 1, and Article 3 paragraph 8 applied mutatis mutandis," and "member of the Investigation Committee" with "member of the Departmental Investigation Committee."
3. Matters necessary for Departmental Investigation Committees other than those stipulated in the preceding two paragraphs shall be stipulated by the relevant Departmental Management Officer.

(Investigation methods, etc.)

Article 10. Departmental Investigations shall be conducted using methods such as scrutiny of materials pertaining to the Misuse of Competitive Research Funds, Etc. that the report identifies, and interviews of associated parties.

2. In the course of conducting a Departmental Investigation, the relevant Departmental

Management Officer and Departmental Investigation Committee may require the Reporting Person, the person reported, and other associated parties to cooperate as necessary. Moreover, in the event that a Department within the University holds originals or copies of materials necessary for the scrutiny of materials under the preceding paragraph, the relevant Departmental Management Officer and Departmental Investigation Committee may require said Department to loan said originals or provide said copies.

3. In the course of an investigation under paragraph 1, the Departmental Investigation Committee shall notify the person reported that he/she has an opportunity to provide an explanation.
4. In the event that a person reported who has received a notification under the preceding paragraph does not provide an explanation by the deadline stated in said notification, the Departmental Management Officer may judge that said person has forfeited the opportunity to provide said explanation.
5. Notwithstanding the provisions of paragraph 1, if the Departmental Investigation Committee considers it beneficial and necessary for its investigation, the Departmental Investigation Committee may make other associated funds held by person reported the subject of the investigation.
6. In the course of investigations under paragraph 1 and the preceding paragraph, the Departmental Investigation Committee may direct that measures be taken to preserve materials for use as evidence.
7. In the course of investigations under paragraph 1 and 5, the relevant Departmental Management Officer may request the cooperation of associated Departments of the university's central administration as necessary.
8. Notwithstanding the provisions of Article 5, paragraph 2 through to the preceding paragraph, the Executive Vice-President may, if considered especially necessary, have the Investigation Committee conduct an investigation into the Misuse of Competitive Research Funds, Etc.

(Reporting Departmental Investigation results)

Article 11. The Departmental Investigation Committee shall conduct an investigation into the matters set forth below, compile its results, and report them to the relevant Departmental Management Officer. In the event that in the process of investigation the Departmental Investigation Committee confirms even partially that a Misuse of Competitive Funds has occurred, it shall make a report of that partial confirmation to the relevant Departmental Management Officer promptly.

- (1) Whether or not a Misuse of Competitive Research Funds, Etc. has occurred;
 - (2) If a Misuse of Competitive Research Funds, Etc. is judged to have occurred: the details and monetary value thereof, the person(s) involved in the Misuse, the degree of their involvement, and their role in managing the Competitive Research Funds, Etc. judged to have been used fraudulently;
 - (3) If a Misuse of Competitive Research Funds, Etc. is judged not to have occurred: whether or not the report was based on a fraudulent purpose; and
 - (4) If the person(s) involved in the Misuse of Competitive Research Funds, Etc. are judged to have acted on the directions of another person: whether or not they were in a position to refuse said directions.
2. In the event that the Departmental Investigation Committee makes a report (excluding a report of partial confirmation) to the relevant Departmental Management Officer pursuant to the preceding paragraph and judges that a Misuse of Competitive Research Funds, Etc. has occurred, the Departmental Investigation Committee shall also report on matters including the factors leading to the Misuse of Competitive Research Funds, Etc., the status of management of other funds associated with the person(s) involved in the Misuse, and measures to prevent recurrence.
 3. Upon receiving a report under paragraph 1 and the preceding paragraph (excluding a report of partial confirmation), the relevant Departmental Management Officer shall report the results of said report promptly to the Executive Vice-President.

(Verification and findings)

- Article 12. Upon receiving a report under paragraph 3 of the preceding article, the Executive Vice-President shall have the results of the report verified by the Investigation Committee.
2. The Investigation Committee shall verify the results of the Departmental Investigation report (if the report concerns a partial confirmation, only those matters in clauses (1), (2), and (4) of paragraph 1 of the preceding article), make findings on the matters set forth below, compile an investigation report including these matters, and report promptly to the Executive Vice-President and relevant Departmental Management Officer.
 - (1) Whether or not a Misuse of Competitive Research Funds, Etc. has occurred;
 - (2) If a Misuse of Competitive Research Funds, Etc. is found to have occurred: the details and monetary value thereof, the person(s) involved in the Misuse, the degree of their involvement, and their role in managing the Competitive Research Funds, Etc. found to have been used fraudulently;
 - (3) If a Misuse of Competitive Research Funds, Etc. is found to have occurred: the factors leading thereto, the status of management of other funds associated with the person(s) involved in the Misuse, measures to prevent recurrence, etc.;
 - (4) If the person(s) involved in the Misuse of Competitive Research Funds, Etc. are found to have acted on the directions of another person: whether or not they were in a position to refuse said directions; and
 - (5) If a Misuse of Competitive Research Funds, Etc. is found not to have occurred: whether or not the report was based on a fraudulent purpose.
 3. If as a result of a verification under the preceding paragraph the Investigation Committee judges the Departmental Investigation to be inadequate, it shall send the Departmental Investigation on the matter concerned back to the relevant Departmental Management Officer with directions to conduct the required investigation.
 4. When making a finding that a Misuse of Competitive Research Funds, Etc. did not occur and that the report was based on a fraudulent purpose, the Investigation Committee must grant the Reporting Person an opportunity to provide an explanation in written or oral form.
 5. An explanation under the preceding paragraph shall be submitted in writing or made by appearance at the Investigation Committee in principle within 14 days after the opportunity to provide the explanation is granted.
 6. In the event that the preceding paragraph applies, the Reporting Person shall be unable to contest the finding of improper purpose if he/she fails to make a submittal in writing or to appear at the Investigation Committee in the absence of legitimate grounds.

(Notification of investigation results)

- Article 13. The Executive Vice-President shall report promptly to the Chief Administrative Officer on investigation results that are reported under paragraph 2 of the preceding article.
2. Upon receiving a report under the preceding paragraph, the Chief Administrative Officer shall report the investigation results to the funding organization within 210 days counting from the day the report was received, provided that a report received under the preceding paragraph that pertains to a report of partial confirmation shall be reported to the funding organization promptly.
 3. Even in the event that the investigation is not complete within the term stipulated in the preceding paragraph, the Chief Administrative Officer shall provide the funding organization with an interim report on the investigation.
 4. In the event that the head of another organization has already been notified pursuant to paragraph 8 of Article 5 by the time a report is received under the provision of paragraph 1, the Chief Administrative Officer shall notify the head of said other organization of the investigation results regarding which said report was received.
 5. The Executive Vice-President shall notify the Reporting Person and person reported (including other person(s) found to have been involved in the Misuse of Competitive Research Funds, Etc.; hereinafter the same) of the matters set forth below with regard to a report on investigation results received pursuant to paragraph 2 of the preceding article

(other than a report of partial confirmation), promptly after the report or notification pursuant to paragraphs 2 and 4 has been carried out.

- (1) Whether or not a Misuse of Competitive Research Funds, Etc. has occurred;
 - (2) If a Misuse of Competitive Research Funds, Etc. is found to have occurred: the details and monetary value thereof, the person(s) involved in the Misuse and the degree of their involvement;
 - (3) If the person(s) involved in the Misuse of Competitive Research Funds, Etc. are found to have acted on the directions of another person: whether or not they were in a position to refuse said directions; and
 - (4) If a Misuse of Competitive Research Funds, Etc. is found not to have occurred: whether or not the report was based on a fraudulent purpose.
6. If a report is received pursuant paragraph 2 of the preceding article in the event that a report was made under Article 5, paragraph 9, or if investigation results reported pursuant to paragraph 2 of the preceding article include a finding that the report was based on a fraudulent purpose, even in the event that no report was made under Article 5, paragraph 9, the Executive Vice-President shall notify the investigation results to the Departmental Management Officer of the Department with which the Reporting Person is affiliated. However, in the event that the Reporting Person is affiliated with another organization, the Chief Administrative Officer shall notify the head of said organization of the investigation results.
7. In the event that the Chief Administrative Officer has made a report to a funding organization pursuant to Article 5, paragraph 8 and said funding organization requests a report on the progress of the investigation into Misuse of Competitive Research Funds, Etc., the Chief Administrative Officer shall provide said funding organization with reports on the status of progress of the investigation and an interim investigation report.
8. In an investigation to be conducted pursuant to the provisions of Article 20, paragraph 1, the Chief Administrative Officer shall report promptly to the funding organization on any delay in the investigation arising from seizure of relevant materials by an investigating authority or the like, in the event that said delay is expected to make it difficult to report to the funding organization within 210 days counting from the day the report was received.

(Appeal filing)

- Article 14. A Reporting Person (only a Reporting Person whose report is found to have been based on an fraudulent purpose [including where such finding is the result of a re-investigation pursuant to the provisions of the immediately subsequent article upon an appeal by a person reported]) or a person reported (only where such person has been found to have used Competitive Research Funds, Etc. fraudulently) who has received a notification under paragraph 5 of the preceding article may lodge an appeal to the Executive Vice-President within 30 days counting from the day said notification was received. An appeal by a Reporting Person in such case shall only concern the finding that the report was based on a fraudulent purpose.
2. Appeals under the preceding paragraph shall be lodged in writing with the nature and grounds of the appeal stated concretely.
 3. A person lodging an appeal under paragraph 1 may not lodge a further appeal on the same grounds, even within 30 days counting from the day the notification under paragraph 5 of the preceding article was received.
 4. Upon receiving an appeal lodged under paragraph 1, the Executive Vice-President shall notify the Reporting Person in the event that the appeal was lodged by a person reported, and the person reported in the event that the appeal was lodged by the Reporting Person. Moreover the Executive Vice-President shall report to the Chief Administrative Officer and the Departmental Management Officer of the Department that conducted the investigation to which the appeal pertains (or the representative Departmental Management Officer in the event that one has been installed pursuant to the provisions of Article 5, paragraph 4; same applies in paragraphs 3 and 10 of the immediately subsequent article).
 5. In the event that a notification has been made under paragraph 6 of the preceding article,

upon receiving an appeal under paragraph 1 the Executive Vice-President shall notify the Departmental Management Officer of the Department with which the Reporting Person is affiliated. However, in the event that the Reporting Person is affiliated with another organization, the Chief Administrative Officer shall notify the head of said organization.

6. In the event that a report under paragraph 2 of the preceding article or a notification under paragraph 4 of the same article has been made, upon receiving a report under paragraph 4 the Chief Administrative Officer shall report to the funding organization that an appeal has been lodged, and/or notify said lodgment to the head of the another organization with which the person reported is affiliated.

(Appeal review and re-investigation)

Article 15. Upon receiving an appeal lodged under paragraph 1 of the preceding article, the Executive Vice-President shall have the Investigation Committee conduct a review of the appeal.

2. In conducting a review under the preceding paragraph, the Investigation Committee shall promptly consider whether or not to conduct a re-investigation of the case, taking into account the nature and grounds of the appeal, and shall report the outcome of its review promptly to the Executive Vice-President.
3. Upon receiving a report under the preceding paragraph, the Executive Vice-President shall promptly decide whether or not to conduct a re-investigation and report this decision together with the grounds therefor to the Chief Administrative Officer, as well as notifying the Reporting Person, person reported, and the Departmental Management Officer of the Department that conducted the investigation to which the appeal pertains. Moreover, in the event that a notification has been made under paragraph 5 of the preceding article, the Executive Vice-President shall notify the Departmental Management Officer of the Department with which the Reporting Person is affiliated. However, in the event that the Reporting Person is affiliated with another organization, the Chief Administrative Officer shall notify the head of said organization.
4. In the event that a report or notification has been made under paragraph 6 of the preceding article, upon receiving a report under the preceding paragraph the Chief Administrative Officer shall report to the funding organization and/or notify the head of the other organization with which the person reported is affiliated on whether or not a re-investigation will be conducted.
5. If the Executive Vice-President has decided to conduct a re-investigation, the Executive Vice-President shall direct the relevant Departmental Management Officer to conduct the re-investigation in the Departmental Investigation Committee.
6. A Reporting Person or person reported who has lodged an appeal shall cooperate in good faith in the event that as part of a re-investigation he/she is requested to submit materials sufficient to overturn the results of an investigation under Article 12, paragraph 2, or otherwise to provide cooperation required for the prompt resolution of the case. If the Reporting Person or person reported fails to provide the required cooperation, the re-investigation may be cancelled or terminated.
7. In the event that the Departmental Investigation Committee has initiated a re-investigation, it shall report the results of said re-investigation to the relevant Departmental Management Officer within 50 days (30 days in the event of an appeal by a Reporting Person) counting from the day the decision to conduct the re-investigation was made.
8. Upon receiving a report under the preceding paragraph, the relevant Departmental Management Officer shall report the results of said re-investigation to the Executive Vice-President.
9. Upon receiving a report under the preceding paragraph, the Executive Vice-President shall have the results of the re-investigation verified by the Investigation Committee.
10. The Investigation Committee shall verify the results of re-investigation, decide whether or not to overturn the results of the investigation under Article 12, paragraph 2, and report the outcome promptly to the Executive Vice-President and Departmental Management Officer of the Department that conducted the investigation to which the appeal pertains.

11. The provisions of Article 13 paragraph 1, paragraph 2, and paragraphs 4 through 6 shall apply mutatis mutandis to cases of reporting and notification of results of a re-investigation. In this case, the words “within 210 days counting from the day the report was received” shall be replaced by “promptly,” the words “paragraph 2 of the preceding article” by “Article 15, paragraph 10,” and the words “investigation results” by “re-investigation results.”

(Provision of contact details and method of issuing notifications)

Article 16. Notification to Reporting Persons and persons reported stipulated in these Guidelines (hereinafter referred to as “Written Notification”) shall be performed by personal delivery or dispatch of a document in writing. In such case, in the event that Written Notification is performed by dispatch, said Written Notification is deemed to occur upon the document reaching its destination.

2. In order to perform Written Notification pursuant to the stipulations of the preceding paragraph, the Executive Vice-President may request Reporting Persons and persons reported to provide their contact details for the purpose of Written Notification, setting a reasonable period of time for said provision. In such case, the Reporting Person or person reported receiving the request must provide the Executive Vice-President with their contact details promptly.
3. A Reporting Person or person reported who has provided contact details pursuant to the provisions of the preceding paragraph must provide new contact details to the Executive Vice-President promptly in the event of any change in contact details owing to change of residence or other circumstances while the procedures stipulated in these Guidelines remain ongoing.
4. In the performance of Written Notification by dispatch pursuant to the provisions of paragraph 1, in the event that a document does not reach its destination or cannot be confirmed to have done so, despite having been dispatched to the address provided to the Executive Vice-President most recently by the Reporting Person or person reported to whom the document is addressed, the Executive Vice-President may take into consideration a Faculty or Staff Member’s prior residential status, work attendance, contacts, and other circumstances relating to said Faculty or Staff Member’s whereabouts and of which the University is aware, and dispatch the document to an address, place of residence, workplace, or other location at which the document can be expected to reach said Faculty or Staff Member.
5. A document dispatched in accordance with the provisions of the preceding paragraph is deemed to have reached its destination at a time that it should normally do so, taking into account the status of postal delivery services and other circumstances. However, this shall not apply if the document is found to have reached its destination prior to the time that it should normally do so.

(Submittal of investigation materials, etc.)

Article 17. If a funding organization so demands, the Executive Vice-President may submit to said organization materials related to an investigation pertaining to a Misuse of Competitive Research Funds, Etc. administered by said organization, allow it to peruse said materials, or comply with an onsite investigation by said organization. However, this does not apply in the event that it would impede an investigation by the Investigation Committee or Departmental Investigation Committee or there are other reasonable grounds.

(Publication of investigation results, etc.)

Article 18. In the event that investigation results pertaining to Misuse of Competitive Research Funds, Etc. include a finding that there was no Misuse, in principle, the Executive Vice-President shall not publish the investigation results, etc. However, in the event that the person reported so requests, and in the event that the case is divulged externally prior to the completion of the investigation, the Executive Vice-President may publish the name and affiliation of the person reported, the finding that there was no Misuse of Competitive Research Funds, Etc., the names and affiliations of members of the Investigation Committee and Departmental Investigation Committee, and the method and procedures of

investigation.

2. In the event that investigation results pertaining to Misuse of Competitive Research Funds, Etc. include a finding that the report was based on a fraudulent purpose, the Executive Vice-President shall publish said finding.
3. In the event of application of Article 19 of the Regulations or the preceding two paragraphs, publication shall be carried out taking into account the period for lodging an appeal pursuant to the provisions of Article 14, paragraph 1.
4. The Executive Vice-President must give due consideration, as required, if students are included in the details to be published.
5. In the event of an investigation conducted pursuant to the provisions of Article 20, paragraph 1 that is based on a Misuse of Competitive Research Funds, Etc. identified in a news report, the Executive Vice-President shall publish the status of the investigation as necessary.

(Measures after findings are made)

Article 19. In the event that investigation results include a finding that there was a Misuse of Competitive Research Funds, Etc., the relevant Departmental Management Officer may institute or extend the measures provided in Article 7 and/or Article 10, paragraph 6.

2. In the event that investigation results include a finding that there was no Misuse of Competitive Research Funds, Etc., the relevant Departmental Management Officer shall terminate all measures instituted based on the report, as well as instituting measures in order to restore the honor of the person found not to have made Misuse of Competitive Research Funds, Etc. and to prevent any disadvantage occurring.
3. In the event that investigation results under Article 12, paragraph 2 include a finding that there was a Misuse of Competitive Research Funds, Etc. and an appeal regarding said investigation results is lodged under Article 14, paragraph 1, the Executive Vice-President may as required institute measures such as having the relevant Departmental Management Officer withhold measures under paragraph 1.
4. In the event of instituting measures under the preceding paragraph, upon receiving a report under Article 15, paragraph 10, the Executive Vice-President shall institute necessary measures such as having the relevant Departmental Management Officer institute the measures that were withheld under the preceding paragraph.

(Investigation based on matters identified by external organization, etc.)

Article 20. In the event that matters relating to a Misuse of Competitive Research Funds, Etc. are identified in a news report or an accounting audit conducted by an external organization, the Executive Vice-President may, if considered necessary, direct the Departmental Management Officer of the relevant Department to conduct an investigation.

2. In addition to those cases stipulated in the preceding paragraph, the Executive Vice-President may direct the Departmental Management Officer of the relevant Department to conduct an investigation in the event that an investigation is considered necessary based on matters relating to a Misuse of Competitive Research Funds, Etc. identified by an external organization, etc.
3. Investigations under the preceding two paragraphs shall be conducted in accordance with the provisions of these Guidelines.

(Investigations with multiple organizations)

Article 21. In the event that a person reported is affiliated with both Kyoto University and another organization, an investigation may be conducted jointly in cooperation with said organization.

2. The structures, methods, division of responsibilities, and other matters in an investigation into Misuse of Competitive Research Funds, Etc. in cases under the preceding paragraph shall be decided in each case separately following consultation with the relevant organization.

(Other investigations)

Article 22. In the event that the Executive Vice-President considers an investigation into Misuse of Competitive Research Funds, Etc. to be necessary in addition to the provisions of these Guidelines, the Executive Vice-President may direct the relevant Departmental Management Officer to conduct said investigation.

2. Investigations under the preceding paragraph shall in principle be conducted in conformity with these Guidelines.

(Investigations pertaining to Misuse other than Competitive Research Funds, Etc.)

Article 23. These Guidelines may be applied mutatis mutandis to investigations into Misuse of funds outside the scope of Competitive Research Funds, Etc. (excluding funds related to educational projects) in cases of whistleblowing in accordance with the Kyoto University Regulations for the Protection of Whistleblowers (Order No. 88 of 2006). However, the following provisions shall not be applied: the first sentence of paragraph 8 of Article 5; Article 8, paragraph 7 (only with respect to consultation with the funding organization); Article 13, paragraph 2 (including mutatis mutandis application under Article 15 paragraph 11), paragraph 3, paragraph 7, and paragraph 8; Article 14, paragraph 6 (only with respect to reporting to the funding organization); Article 15, paragraph 4 (only with respect to reporting to the funding organization); and Article 17.

(Other matters)

Article 24. The Executive Vice-President shall stipulate any matters necessary for the conduct of investigations pertaining to Misuse of Competitive Research Funds, Etc. that are not stipulated in these Guidelines.

Supplementary Provisions

1. These Guidelines shall be implemented from September 1, 2021.

2. The term of office of committee members nominated or engaged initially following the implementation of these Guidelines shall expire on March 31, 2023, notwithstanding the provisions of Article 3, paragraph 6.

Supplementary Provision (Ruling of President, March 2024)

These Guidelines shall be implemented from April 1, 2024.