

# The Guideline for Establishment of Research Ethics

(Instruction of the Ministry of Education No. 153, Revision Nov. 3, 2015)

## Chapter 1: General Rules

**Article 1 (Purpose)** This guideline has the delegation of Article 15 of the Academic Promotion Act and provides the basic principles and directions for researchers and universities to adhere to their roles and responsibilities in research ethics to prevent research misconduct.

**Article 2 (Definition)** The definitions of terms used in this guideline are as follows

1. "Researcher" : all researchers as defined in Article 2 and Paragraph 5 of the Academic Promotion Act
2. "University" : includes universities, research institutes, and other academic communities defined in Article 2 and Paragraph 2, Article 3 and 4, Article 5 and Paragraph 2 of the Academic Promotion Act
3. "Specialized Agency" : includes agencies that support, fund, manage, and oversee researchers and research institutes
4. "Research Raw data" : all pre-processing data and literature collected through experiments, observations, and surveys for achieving research goals
5. "Research Data" : Data that processed all research raw data and secondary data and literature that use them
6. "Research Results" : A systematic conclusion derived from research data obtained through research activities
7. "Research Output" : Academic work and intellectual property such as reports, papers, publications, books (monographs) that describe the final results of researchers' research activities

### Article 3 (Subjects and Methods)

- ① Universities and research institutes conducting any of the following projects should follow this guideline set forth in Chapter 2, 3, 4, and 5
  1. Academic funding projects mentioned in Article 5 of the Academic Promotion Act
  2. Projects from the Ministry of Education in Article 6 and 14 of the Basic Research Promotion and Technology Development Support Act
  3. Projects from the Ministry of Education beyond the above Paragraph 1 and 2
  4. Other projects in need of this guideline, judged by the Minister of Education
- ② Universities and research institutes that participate in projects that originate outside a National or Government agency, and that promote their own research projects without National or Government fund, may refer to Chapter 2, 3 and 4 of this guideline to autonomously enact their own rules.
- ③ When universities and research institutes have no existing rules, they can adapt Chapter 2, 3, and 4 of this guideline to solve their research ethics issues in their own research projects and other research projects funded by a National or Government agency and any outside

organization, not by the Ministry of Education. “Their own research projects” include publication of degree theses, research projects funded only by universities or/and specialized agencies themselves. “Other research projects funded by a National or Government agency and any outside organization, not by the Ministry of Education” include research projects consigned by a National or Government agency, except the Ministry of Education, private corporations and organizations.

**Article 4 (Scope)** This guideline applies to project proposals, experiments, conduct of research and development, publications and presentations of research results, and all stages of research, unless prescribed in a different law, act or guideline.

## **Chapter 2 Roles and Responsibilities of the Researcher and Institute**

**Article 5 (Roles and Responsibilities of Researcher)** Researchers may have autonomy in conducting research, but must follow the following rules:

1. Respect research subjects’ character and rights and treat impartially
2. Protect personal information and privacy
3. Practice honest and transparent research based on fact
4. Maintain academic conscience as an expert in contributing specialized knowledge to society
5. Contribute to academic development by publishing new academic results
6. Respect the earlier researchers and acknowledge their achievements by offering appropriate references and citations in using his/her own and their academic materials
7. Maintain ethical responsibility in making a research contract, receiving a research fund and spending it
8. Not be influenced by private interests of a funding organization and specify the whole conflict of interests related to research on research outputs
9. Continually participate in research ethics education

**Article 6 (Role of Universities and Institutes)**

- ① The universities and institutes should assist in: providing a sound research environment, allowing researchers to devote themselves to research conduct and promote rationality and autonomy, and ensuring the consistent practice of research ethics.
- ② The universities and institutes should have their own research ethics guideline that they adhere to.
- ③ The universities and institutes may have an agency or system that will assist in preventing research misconduct and intervene when there has been conflict or misconduct that has occurred in the process of research.
- ④ The universities and institutes must have an agency or system that can conduct investigations and have the ability to take action when there has been a case of research misconduct
- ⑤ The universities and institutes must provide research ethics education and training on a regular basis to ensure that researchers observe the research ethics mandates and prevent research misconduct.
- ⑥ The universities and institutes must cooperate with outside agencies or government agencies such as the Ministry of Education when the Minister of Education or the head of a specialized organization attempts to take action to promote research ethics, for example, to survey the

actual conditions of research ethics.

- ⑦ The universities and institutes must investigate alleged cases of research misconduct thoroughly and cooperate actively with government or outside agencies such as the Ministry of Education, by investigating a demanded case and providing all necessary documents and evidence.

#### **Article 7 (Roles and Responsibilities of Specialized Agencies)**

- ① Specialized agencies must contrive their own research ethics guidelines in accordance to Chapter 2, 3 and 4 of this guideline.
- ② Specialized agencies must provide research ethics education and training on a regular basis to ensure that researchers observe the research ethics mandates and to prevent research misconduct.

#### **Article 8 (Research Ethics Education and Its Support)**

- ① The Minister of Education and other heads of specialized agencies should work to support research ethics through education and training or development and distribution of research ethics documents, and provide additional support when required in order to raise awareness of research ethics.
- ② Researchers assigned to research development projects under the authority of the Ministry of Education must complete a course of research ethics education in an institute designated by the research contract or agreement.

**Article 9 (Establishing Autonomous Guidelines):** When universities and institutes establish their autonomous guidelines, they should include the following items in accordance to Article 17 Clause 1 of the Enforcement Decree of Academic Promotion Act. However, research institutes authorized by a government with a set of arrangement content including this guideline, are regarded as they establish their own guidelines.

1. The roles and responsibilities of researchers
2. Scope of research misconduct
3. Agency, office or officer that manages research misconduct allegation and its investigation.
4. Procedure and time frame of research misconduct investigations
5. Rules containing the constitution and management of an “investigation committee” for preliminary and main investigations of research misconduct
6. Protection measures for complainants and the suspects
7. Follow-up measures after adjudication

#### **Article 10 (Advisory Committee on Research Ethics)**

- ① The Minister of Education can create an advisory committee of research ethics consisting of relevant experts that counsels research ethics policies and other related issues
- ② The committee should have no more than 15 members including one head
- ③ The members should be experts in their own academic fields, chosen by the Minister of Education, and the head should be elected by mutual vote among the members
- ④ The head of the committee can set autonomous rules when required in managing the committee
- ⑤ The committee should spend funds within its budget

### **Article 11 (Receiving and Managing Research Misconduct Allegation)**

- ① The Minister of Education and the heads of universities or specialized agencies should set a reception desk or system for research misconduct allegation
- ② The Ministry of Education and specialized agencies should transfer research misconduct allegation to its relevant institute in order to support an investigation once the allegation case has been received or perceived.

## **Chapter 3 Research Misconduct**

### **Article 12 (Scope of Research Misconduct)**

- ① Research misconduct includes the following items committed in any or all stages of proposal, conduct, result presentation, and publication of research.
  1. Fabrication: making up nonexistent research raw data, research data or results
  2. Falsification: distorting research content or results by artificially manipulating materials, facilities and procedures, changing or deleting research raw data, research data or results
  3. Plagiarism: stealing or copying others' original idea or research work without proper citation or acknowledgement and making people recognize that it is as one's own
    - a. Using all or a part of others' research work or its content without properly citing the sources
    - b. Modifying and using the words and the sentence structures of others' writings without properly citing the sources
    - c. Using others' original ideas without properly citing the sources
    - d. Translating and using others' research work without properly citing the sources
  4. Invalid authorship: Not giving authorship to those who contribute to research activities or results without legitimate reasons, and attributing authorship to those who did not or less contribute to research activities or results
    - a. Attributing authorship to those who did not contribute to research contents or results
    - b. Not giving authorship to those who have contributed to research contents or results
    - c. Publishing a student's research paper or degree thesis under his/her professor's name only
  5. Unjust Duplicate Publication: publishing again his/her own previous research work itself or its modification substantially similar to the original version and gaining unjust profits such as more research funds or additional academic assessment scores
  6. Interruption of research misconduct investigation: Interrupting the investigation process of one's own or others' research intentionally or harming the complainants
  7. Behavior beyond commonly tolerable scope of each research field
- ② In addition to Paragraph 1, universities and institutes may include other behaviors in the scope of research misconduct when they think those behaviors should be investigated or prevented

### **Article 13 (Judgment of Research Misconduct)**

- ① Research misconduct will be judged according to the following factors
  1. Considering whether a researcher has committed an illegal or unethical act in his/her research field
  2. Considering whether a researcher failed to adhere to the guidelines of research ethics (reflecting

the research ethics standard at the time of occurrence of research misconduct)

3. Considering the complete intention of a suspect, the quantity and quality of research misconduct results, the conventions and characteristics of the relevant academic society, and the profits of research misconduct
- ② When judging a “behavior beyond commonly tolerable scope of each research field” (mentioned in Clause 7 of Paragraph 1 of Article 12), consider the institute or university which a researcher belongs to has set a rule to ban such a behavior or the relevant academic society has a prevalent recognition defining it as research misconduct

## **Chapter 4 Investigation of Research Misconduct**

### **Article 14 (Protection of Complainant Rights)**

- ① A complainant is a person that has once found a research misconduct and reports its occurrence or related evidences to a research institute
- ② A complainant may report a case of suspected research misconduct through an oral statement, a written statement, a phone call, an electronic mail and any other method, choosing to include his/her own name. Even if the report is to be made anonymously, when it includes the evidence such as the title of research, the title of publication, the specific state of research misconduct through a written or electronic mail, an institute or university may regard it as an official allegation including a complainant’s own name
- ③ The Minister of Education and the head of specialized agencies or universities should protect a complainant from becoming the victim of any discrimination or unfavorable working conditions that may result from his/her allegation
- ④ The identity of a whistleblower should not be allowed to be disclosed.
- ⑤ Against Paragraph 3, if a complainant is to become the victim of discrimination or harm, or if his/her identity is to be disclosed against his/her will, the institute should be held liable
- ⑥ A complainant has the right to require to be noticed of the procedures and the timeline of upcoming procedural events in order to manage his/her allegation and an institute should respond to him/her sincerely
- ⑦ If a complainant gives an allegation which he/she knows false, he/she will not be protected by an institution

### **Article 15 (Protection of Suspect Rights)**

- ① A suspect is a person accused of committing research misconduct by an allegation from a complainant or the perception of a university or institute itself, or a person presumed of being involved in it. Those who are the references or witnesses during the investigation are not included.
- ② An institute should be watchful not to invade the privacy or honor of a suspect during the investigation
- ③ The suspicion of research misconduct should not be disclosed to the public before the final judgment has been reached. However, it may be disclosed if a necessary measure should be taken when a case of Paragraph 3 of Article 29 occurs
- ④ A suspect has the right to require to be noticed of the procedures the timeline of upcoming procedural events in order to manage his/her investigation and an institute should respond to him/her sincerely

#### **Article 16 (Burden of Investigation Responsibility)**

- ① The burden of investigation responsibility lies on the relevant research institute at the time of occurrence of research misconduct
- ② A university or research institute should set up an “investigation committee”

#### **Article 17 (Research Misconduct Investigation Principles)**

- ① The burden of verification responsibility lies on an investigation committee of the relevant research institute. However, if a suspect spoils the evidence which an investigation committee requires or refuses to submit them, the responsibility will shift to the suspect
- ② An investigation committee should guarantee the complainant and the suspect of their rights such as stating an opinion, making an objection and pleading, and notify them of the procedures and the schedule in advance. A suspect should be given the content of an allegation.
- ③ The heads of universities and research institutes should ensure that an investigation committee will not be influenced by any outside intervention or interests and maintain its fairness and independence.

#### **Article 18 (Investigation Procedure)**

- ① The verification process must consist of a ‘preliminary investigation’, ‘main investigation’ and ‘judgment’.
- ② A head of an institute can omit a preliminary investigation in the case of obvious misconduct.
- ③ The heads of universities and institutes should assist the investigation process when the institute which a suspect belonged to at that time of the research misconduct occurrence requests support in order to verify the case, according to Paragraph 1 of Article 16.
- ④ The heads of universities and institutes should notify the research institute and the academic body which a suspect belongs to when his/her allegation is finally proved as research misconduct

#### **Article 19 (Preliminary Investigation)**

- ① Preliminary investigation takes place in order to determine whether an official investigation is necessary, and must begin within 30 days of the first allegation received
- ② The head of an institute can make a final judgment without main investigation when a suspect acknowledges his/her misconduct.
- ③ The head of an institute can take action to preserve evidence even before the building of an investigation committee, according to Paragraph 2 of Article 23, when he/she considers that there is the possibility of serious evidence damages
- ④ The head of an institute should notify a complainant of the result of preliminary investigation in the form of a written document within 10 days at the end of the preliminary investigation unless it is anonymous. If the main survey is determined to be dismissed, the document has to include specific reasons.

#### **Article 20 (Main Investigation)**

- ① Main investigation is to verify whether research misconduct occurred or not and an investigation committee should be organized and operated in accordance with Article 21.
- ② An investigation committee should make sure to give the right to state one’s own opinion to

both a complainant and a suspect. If each of them does not respond to this right, he or she will be regarded as having no objections.

#### **Article 21 (Building an Investigation Committee)**

- ① An investigation committee must consist of at least 5 members, including 1 head.
- ② An investigation committee should meet all the conditions below.
  1. More than 30 percent of the members must be outside of the institute.
  2. More than 50 percent of the members must be field experts and there must be at least one field expert outside of the institute.

#### **Article 22 (Exemption from Investigation Committee)**

- ① A person with the following conditions below must be exempt from an investigation committee
  1. A person who is/was a family member or relative of either a suspect or a complainant
  2. A person who is/was a supervisor or a student of either a suspect or a complainant
  3. A person who is judged to be likely to damage the fairness of the investigation
- ② The head of an institute must notify a complainant of the list of committee members in accordance with Paragraph 1 of Article 18 before the main investigation begins. When the complainant raises an objection to the committee members with a legitimate reason, the institute should accept it. If the complainant cannot connect with the institute because of his/her own situation, the institute does not have any responsibility. This case must be written on the report.
- ③ If a member of investigation committee has a conflict of interest related to the relevant research project, he or she must resign for him/herself.

#### **Article 23 (Authority of Investigation Committee)**

- ① The committee can summon the complainant, the suspect, the witnesses and the references to hear their statements and the suspect must come to speak.
- ② The committee can require the suspect to submit the related materials and take action in order to limit the access to the laboratory and preserve the evidence sources, under the approval of the head of the institute.
- ③ The committee can suggest the head of the institute to impose proper penalties on the concerned in research misconduct.

#### **Article 24 (Adjudication)**

- ① “Adjudication” is the stage where the head of the institute confirms the investigation result and notify the complainant and the suspect of it with a document
- ② Adjudication should be made within six months from the beginning of the preliminary investigation. When it is difficult to keep this time limit, the institute can prolong the investigation process, notifying the institute transferring the initial allegation, the complainant and the suspect of the valid reason.

#### **Article 25 (Appeal)**

- ① Once the complainant or the suspect has an objection to the result of preliminary or main investigation, each of them can make an appeal with a written document to the head of the institute, where the investigation is performed, within 30 days from the notification of the result.

- ② The head of the institute, where the investigation is performed, should manage the appeal in accordance with Paragraph 1 within 60 days from receiving it unless there is an unusual reason.

#### **Article 26 (Measures against Research Misconduct)**

- ① Universities and research institutes should take appropriate measures against research misconduct after all the procedures of research misconduct adjudication have been completed.
- ② The measures against research misconduct should not violate the internal rules of a university, the laws and the consensus of a society. The head of a university or a research institute should consider that a penalty or a measure is in proportion to the significance of research misconduct.

### **Chapter 5 Special Rules on Research Projects under the Ministry of Education**

#### **Article 27 (Exception of Investigation Responsibility)**

- ① Despite Paragraph 1 of Article 16, the head of a university can request a specialized institute appointed by the Ministry of Education to investigate research misconduct. The requested institute must conduct the investigation except in the following cases.
  1. The institute cannot recruit sufficient investigation experts
  2. The institute cannot conduct investigation fairly and rationally
  3. Cooperation among two or more research institutes cannot be facilitated

#### **Article 28 (Reinvestigation)**

- ① If the complainant or the suspect has any objection to the appeal result in accordance with Article 25, each of them can demand a reinvestigation to the Minister of Education or a specialized institute appointed by the Minister of Education within 30 days after they are notified of the appeal result.
- ② The Minister of Education or the head of a specialized institute appointed by the Minister of Education should take action in the following cases.
  1. A request for a reinvestigation in accordance with Paragraph 1 of Article 28 is based on reasonable grounds
  2. Significant errors are found in the process of investigation performed by a university or an institute

#### **Article 29 (Report of Conclusion)**

- ① The head of a university or an institute where preliminary or main investigation of research projects in accordance with Paragraph 1 of Article 3 is performed must submit the conclusion of the investigation, including appeal management to the Minister of Education within 30 days of the end of preliminary or main investigation respectively.
- ② A report in accordance with Paragraph 1 must include the following items
  1. A report of preliminary investigation
    - a. Complainant's allegation
    - b. Result of investigation
    - c. The grounds to judge whether the main investigation will be performed or not

- d. The statements of a complainant and a suspect
- 2. A report of main investigation
  - a. Complainant's allegation
  - b. Result of investigation
  - c. The list of committee members
  - d. The role of a suspect during the research and whether research misconduct occurred or not
  - e. The list of evidences, witnesses, references and those who counseled
  - f. The statements of a complainant and a suspect
  - g. Adjudication out of verification result
- ③ During the process of Paragraph 2, the head of a university or an institute should report the cases below to the Minister of Education and the head of a specialized investigation agency as soon as they find such cases.
  - 1. A serious violation of law or rule
  - 2. A clear menace or significant harm to public welfare or security
  - 3. The necessity for the public authority or a specialized organization to take measures

**Article 30 (Follow-up Measures)**

- ① When the reported investigation result in accordance with Paragraph 1 of Article 29 shows the occurrence of research misconduct, the Minister of Education can take follow-up action such as a requiring to punish the researcher with a penalty, suspending or withdrawing research fund in accordance with Article 19 and 20 of the Sciences Promotion Act and excluding the application of research grant, and should inform the investigation result to the institute which the researcher belongs to.
- ② The Minister of Education can demand additional submission of data or sources and reinvestigation to the agency that led the investigation when the investigation report in accordance with Paragraph 1 of Article 29 seems questioned in its rationality and validity.

**Article 31 (Recording Investigation and Disclosing Information)**

- ① The investigation agency must preserve all the forms of investigation record such as audio, video and documents for at least 5 years and the Ministry of Education must preserve the report submitted in accordance with Paragraph 1 of Article 29 for at least 10 years
- ② The investigation report and the list of committee members can be opened to the public after the adjudication
- ③ The list of investigators, witnesses, references and counselors participating in the investigation may not be opened if the disclosure may damage them

**Article 32 (Entrusting the Work)** About the research projects promoted by the Ministry of Education as mentioned in this guideline, the Minister of Education can entrust the work such as receiving the allegation, investigating research misconduct, taking the follow-up measures or preserving the final report to a specialized agency

**Article 33 (Time Limit of Review)** This guideline should be reviewed and amended by December 31, 2017, reflecting the other laws and the changes of a society.

## Appendices

**Article 1 (Effectuation Date)** This guideline should be effective at the same time of the publication.

**Article 2 (Retroactive Application)** The issue that occurred earlier than this guideline should follow the rules or the practices at those times.

Translation by Center for Research Ethics Information(Dec. 15, 2016)