

慈濟大學學術倫理案件處理及審議要點

Tzu Chi University

Guidelines for Handling and Investigating Research Misconduct

106年11月1日第91次校務會議審議通過

110年10月29日第111次務會議修正通過

Passed by Meeting of the University's Administrators on November 1, 2017

Amended by Meeting of the University's Administrators on October 29, 2021

一、慈濟大學(以下簡稱本校)為維護學術尊嚴，並確立違反學術倫理案件客觀公正之處理程序，依據「科技部學術倫理案件處理及審議要點」及「教育部專科以上學校學術倫理案件處理原則」訂定本要點。

Article 1

To maintain academic dignity and provide an objective and fair procedure for handling matters of research misconduct, Tzu Chi University (hereinafter referred to as the University) has set up these guidelines, based on the Ministry of Science and Technology's Guidelines for Handling and Investigating Research Misconduct and the Ministry of Education's Guidelines for Handling Research Misconduct by Junior Colleges and Higher Education Institutions.

二、本要點適用於本校下列人員：

(一)專兼任教師(含專案教學人員及專業技術人員)。

(二)研究人員(執行研究者，含學生、研究獎助生、專兼任研究助理及博士後研究人員)。

(三)大學部及碩、博士班在學生。

以下簡稱本校人員。

Article 2 Applicability

These guidelines apply to the individuals listed below:

1. Full-time and adjunct faculty members (including project faculty members and professional faculty members).
2. Researchers (persons in charge of a research project, regular students, students receiving research grants, full-time or part-time research assistants, and post-doctoral researchers).
3. Undergraduate students, master's students, and Ph.D. students

The individuals listed above are referred to as TCU members.

三、違反學術倫理之行為類型

本要點所稱違反學術倫理，指本校人員之學術研究行為或成果有下列情形之一者：

- (一)造假：虛構不存在之申請資料、研究資料或研究成果。
- (二)變造：不實變更申請資料、研究資料或研究成果。
- (三)抄襲：援用他人之申請資料、研究資料或研究成果未註明出處。註明出處不當情節重大者，以抄襲論。
- (四)自我抄襲：研究計畫或論文未適當引註自己已發表之著作。
- (五)重複發表：重複發表而未經註明。
- (六)以翻譯代替論著，並未適當註明。
- (七)代寫：由計畫不相關之他人代寫論文、計畫申請書或研究成果報告。
- (八)未依共同作者實質學術貢獻列名或未適當註明他人貢獻度。
- (九)以違法或不當手段影響論文或計畫之審查。
- (十)其他違反學術倫理行為。

Article 3 Types of Research Misconduct

Research misconduct, as defined in the guidelines, refers to any of the following behaviors of TCU members:

- (1) Fabrication: Making up application materials, research data or research results that do not exist;
- (2) Falsification: Inappropriate alteration of application materials, research data or research results;
- (3) Plagiarism: Appropriation of another person's application materials, research data, or research results without attributing to the source; extensively citing the source improperly is considered plagiarism;
- (4) Self-plagiarism: The use of one's work that was previously published without providing the appropriate references in a research proposal or paper;
- (5) Duplicate publication: The repeated publication of materials without explicit references;
- (6) A translation was used instead of the original work, and it was not adequately noted;
- (7) Ghostwriting: A research paper, project application, or report of research results is written by someone other than the named author;
- (8) The list of co-authors is not based on the actual contributions of each person or does not correctly indicate the contribution(s) of others;
- (9) Illegal or inappropriate means are used to influence the review of the paper or project; and
- (10) Other behaviors in violation of academic ethics.

四、違反學術倫理之受理單位

本校設有學術倫理委員會，負責受理及審議違反學術倫理之案件。

惟涉及教師資格審查之案件，由人事室依本校「教師違反送審教師資格規定處理要點」之規定辦理；涉及學位授予之案件，由教務處依本校「博、碩士學位論文違反學術倫理案件處理辦法」之規定辦理。

Article 4 Units Responsible for Handling Research Misconduct

The University has set up an Academic Ethics Review Committee responsible for handling research misconduct.

The Personnel Office shall handle cases related to the faculty member's qualifications, by the University's Guidelines for Handling Faculty Member's Submission of Inaccurate Qualification Information.

The Office of Academic Affairs shall handle those associated with degree conferral, following the University's Guidelines for Handling Research Misconduct Related to the Student's Dissertation/Thesis.

五、學術倫理委員會相關

Article 5 The Academic Ethics Review Committee

(一)委員之選任

委員會置召集人一人，由副校長兼任之；委員九至十一人，除召集人為當然委員外，其餘委員由校長遴聘校內外專家學者組成，其中校外委員不得少於二人。委員為無給職，校外委員得依規定支給出席費及交通費。

1. Appointment of Committee Members

The Academic Ethics Review Committee (hereinafter referred to as the Committee) has a convener, who is the University Vice President. The Committee comprises 9 to 11 members. The convener is an ex officio member, and the rest of the members are appointed by the University President from on-campus and off-campus scholars and experts. The off-campus members must number two or more. Committee members are not salaried positions. However,

the University may provide attendance and transportation fees to off-campus members.

(二)委員之任期

委員任期二年，期滿得續聘之。委員任期內出缺時，應依前述第一項委員之選任規定補聘；其任期至原出缺委員任期屆滿之日為止。

1. Term of Appointment

The term of appointment for Committee members is two years, and the University may extend their term. If a member resigns before the set term, a new member shall be appointed and resume the role to the end of the set term.

(三)委員會開會及決議方式

委員會之決議，應有全體委員三分之二以上出席，出席委員三分之二以上同意行之。但決議依本要點第六點第五項第八款作成終身停權或同點同項第九款作成停聘、解聘或不續聘之處分建議者，應有出席委員四分之三以上同意行之。

委員會必要時得邀請被檢舉人或相關人員列席說明。

1. Committee Meeting and Resolution Method

Any resolution in the Committee meeting requires at least two-thirds of the members in attendance and at least two-thirds of the members present to approve.

However, if the motion of lifelong deprivation of privilege, referred to in Article 6, Section 5, is proposed, at least three-fourths of the members present at the meeting must give their approval.

The motion of suspension, dismissal, or non-renewal of the appointment of faculty members, in Article 6, Section 5, also requires at least three-fourths of the attending members' approval.

The Committee may invite the person in question (hereinafter referred to as the respondent) or others to be in attendance before its members.

六、違反學術倫理案件之處理

Article 6 Handling of Research Misconduct

(一)受理方式

1. Identified Ex Officio or by Reporting

違反學術倫理情事經本校依職權發現者，應主動處理之；其為檢舉者，應由檢舉人以真實姓名及地址，向研究發展處提出附事證之檢舉書，由研究發展處送交學術倫理委員會依本要點第六點規定受理審議。前項檢舉案以匿名方式提出者，非有具體對象及充分事證，不予處理。

The University shall take the initiative to handle cases of research misconduct identified ex officio.

For all other cases reported to the University, informants must use their real names and addresses and submit their information, with documented evidence, to the Office of Research and Development (hereinafter referred to as the Office of R&D). The Office of R&D will forward it to the Committee.

Cases that are filed anonymously will not be handled unless there are a concrete subject and sufficient evidence indicated.

判定案件處理單位：

由副校長召集研發長、教務長、人事主管及被檢舉人所屬單位主管，依據是否涉及教師資格審查或學位授予判定案件處理之單位。涉及教師資格審查案，依「教師違反送審教師資格規定處理要點」處理，涉及學位授予案，依「博、碩士學位論文違反學術倫理案件處理辦法」處理。非涉教師資格審查或學位授予者依下列程序審查。

The Unit Responsible for the Reported Cases:

The University's Vice President will invite the Dean of the Office of R&D, the Dean of the Office of Academic Affairs, the Director of Personnel Office, the

supervisor of the unit with which the respondent is associated, and the team which is responsible for review of the faculty member's qualification or student's degree conferral.

Cases involving the submission of inaccurate qualification information are handled by the Guidelines for Handling Faculty Member's Submission of Inaccurate Qualification Information.

Cases involving violation of degree conferral are handled following the University's Guidelines for Handling Research Misconduct Related to the Student's Dissertation/Thesis.

Cases that are not associated with the submission of inaccurate qualification information or violation of degree conferral shall be reviewed following the procedures listed below.

(二) 審查程序

2. Review Procedures

1. 初審：

(1) 由副校長召集研發長、教務長及被檢舉人所屬單位主管，組成調查小組，進行審查，其所為之調查程序不公開；必要時，得邀請專家學者參與審查。如認有涉及違反學術倫理之虞時，應通知被檢舉人於二週內提出書面答辯；被檢舉人逾期不為答辯者，視同放棄答辯。

(1) Preliminary review:

- The University Vice President shall convene with the Dean of the Office of R&D, the Dean of the Office of Academic Affairs, and the supervisor of the unit with which the respondent is associated to form a review team to conduct the investigation and the process shall be kept confidential.
- When it is necessary, experts and scholars may be invited to participate in the review. If the team has reasonable doubt that there may be a violation of academic ethics, it shall notify the respondent and ask him/her to reply in writing within two weeks. If the respondent does not reply on or before the deadline, he/she shall be deemed to have given up the right to reply.

(2)調查小組將檢舉案初審結果提交學術倫理委員會複審。

- The review team will submit the results of its preliminary study to the Committee for a secondary examination.
2. 複審：學術倫理委員會進行案件審理，認定未涉及違反學術倫理者，視情形為適當之處理。認定違反學術倫理者，作出處分決議，審查結果應詳列事證、審查方式、違反之類型及具體處分建議等。

(2) Secondary Review

If, after conducting the review, the Committee determines that there is no violation of academic ethics, it will then carry out the needed procedures. If the Committee concludes that there is a violation, it shall come up with a resolution on the suggestion for punishment or penalty. The Committee report shall contain a reported item, handling procedures, investigation methods, investigation results, type(s) of violation(s), specific sanction recommendations, etc.

(三)審查期限

違反學術倫理案件之審查期限如下：

- 1.初審：應於收件之次日起三個月內完成；必要時，得予延長。
- 2.複審：應於初審完成後二個月內完成；必要時，得予延長。

3. Timeframe of the Review

The University shall review cases within the following timeframe:

- (1) Preliminary review: The University shall complete the review within three months after receiving the case. An extension may be allowed, if necessary.
- (2) Secondary review: The University shall complete the assessment within two months after receiving the preliminary review report. An extension may be allowed, if necessary.

(四)案件不成立之處置

4. Disposal of Reported Cases Not Established

檢舉案件無確切證據足資認定被檢舉人違反學術倫理時，應將調查結果以書面通知檢舉人，並得視情形通知被檢舉人。

原檢舉人或第三人若再次提出檢舉，則應提學術倫理委員會審議。經審議檢舉內容無具體新事證者，得依前次審議結果逕復檢舉人；有具體新事證者，學術倫理委員會得依本要點第六點第二項第二款之程序進行審查。

Where there is no definite evidence to prove a reported violation, the Committee shall notify the informant of its investigation results in writing. The Committee shall also inform the respondent if the condition requires such an action.

If the informant or another person plans to file the complaint a second time, he/she should submit it to the Committee. The Committee shall send the results of the previous review to the informant, if there is no specific new evidence. If there is new evidence, the Committee shall review following the procedures outlined in Article 6, Section 2.

(五)處分方式

5. Disciplinary Actions

學術倫理委員會就初審結果認定違反學術倫理之案件進行審議，如認定違反學術倫理行為證據確切時，得按其情節輕重對被檢舉人作成下列單款或數款之處分建議，並函轉相關單位或委員會為後續審議處置：

Where the Committee determines that violation of academic ethics is sufficiently proven through definite evidence, one or more of the following proposed disciplinary actions may be taken by the Committee on the respondent, depending on the seriousness of research misconduct. Moreover, the Committee shall inform the related unit(s) or committee(s) for follow-up work.

1. 本校教職員懲處方式：

- (1) 書面告誡。
- (2) 參加一定時數之學術倫理相關課程，並取得證明。
- (3) 撤銷或終止已核定之獎補助經費。
- (4) 追回與本案相關之全部或部分獎補助經費。
- (5) 終止或追回與本案相關之彈性薪資。
- (6) 一至十年內不得晉薪或晉年功薪。
- (7) 補償相關當事人之損失。
- (8) 終止各項權利之申請若干年或終身停權。
- (9) 停聘、解聘或不續聘。
- (10) 其他適當之懲處措施。

(1) Related to the faculty member

- Give written warning.
- Ask the faculty member to participate in academic ethics-related courses for a certain number of hours and obtain certificate(s) of completion.
- Terminate the approved grant(s).
- Ask the faculty member to return all or part of the care-related grants.
- Terminate or ask the faculty member to return merit pay related to the case.
- Put pay raises on hold for the next one to ten years.
- Ask the faculty member to compensate for losses of the relevant parties.
- Suspend the faculty member's various rights for several years or permanently.
- Suspend, dismiss or not renew the appointment.

- Implement other measures.

2. 本校學生懲處方式：

- (1) 書面告誡。
- (2) 參加一定時數之學術倫理相關課程，並取得證明。
- (3) 撤銷或終止違規案已核定之補助、獎學金，並得追回已撥付之全部或部分經費。
- (4) 一至五年內停止受理學位申請或各項獎勵、獎學金及研究補助申請。
- (5) 開除學籍。
- (6) 撤銷學位。
- (7) 其他適當之懲處措施依本校「慈濟大學學生懲處辦法」辦理。

(2) Associated with the student;

- Give the student a written warning.
- Ask the student to participate in academic ethics-related courses for a certain number of hours and obtain certificate(s) of completion.
- Suspend or terminate the grant(s)/scholarship(s) related to the case and ask the student to return all or part of the grant.
- Suspend the student from applying for degree conferral, grant (including research grant), and scholarship within the next one to five years.
- Expel the student from the University.
- Revoke the student's University degree.
- Implement other disciplinary actions according to the University's Guidelines for Handling Research Misconduct Related to the Student's Dissertation/Thesis.

(六)處分之通知

違反學術倫理案件之處分，應以書面通知檢舉人、被檢舉人及其他相關單位。

6. Notification of Disciplinary Action

The University shall notify the informant, respondent, and other unit(s) about the disciplinary action.

(七)資訊公開

學術倫理案件經學術倫理委員會作成處分建議者，由委員會送相關單位或委員會議決後公開相關資訊。

7. Disclosure of Information

After the Committee has resolved the disciplinary action, it shall forward related information to the relevant unit or other committee for final approval before disclosing the information.

(八)保密責任

依本要點受理檢舉、參與調查或審議程序之人員，就所接觸之資訊有保密之義務。但學術倫理案件涉公共利益者，不受此限。

委員會進行審議程序時，就檢舉人之真實姓名、地址或其他足資辨識其身分之資料，應採取必要之保密措施。

8. Nondisclosure Responsibility

Those involved in accepting the complainant's reporting and participating in the investigation or review process shall maintain confidentiality of information. However, cases involving public interest are not subject to this restriction.

When the Committee conducts deliberation procedures, it shall take necessary confidentiality measures regarding the informant's actual name, address or other relevant information.

(九)迴避原則

調查小組、委員會及相關承辦人員與被檢舉人間，有下列情形之一者，應予以迴避：

1. 四親等內血親。
2. 配偶或三親等內之姻親或曾有此關係者。
3. 任職同一系、所、科或單位。醫學系僅任職於同一科或所者始須迴避。
4. 近三年曾有指導博士、碩士論文之師生關係。
5. 近二年發表論文或研究成果之共同作者。
6. 學術合作關係。
7. 相關利害關係人。
8. 依其他法規應迴避者。

9. Avoidance of Conflict of Interest

Committee members, preliminary review team members, and other individuals involved in the process, who have one of the relationships listed below with the respondent, may never participate in any process related to the case.

- Is respondent's relative by blood, and the degree of relation is fourth-or-closer (as defined by Article 968 of the Civil Code);,
- Is respondent's spouse or relative by marriage, and the degree of relation is third-or-closer (as defined by Article 968 of the Civil Code), or previously had such a relationship with the respondent;
- If the member mentioned above is not a member of the School of Medicine, he/she has a co-working relationship with the respondent in the same college, department, institute, or program.

- If the member mentioned above is associated with the School of Medicine, he/she has a co-working relationship with the respondent in the same department, institute, or program of the School of Medicine,;
- Had a former faculty advisor-student relationship for the supervision of doctoral dissertations or master's theses within the last three years;
- Had a co-author relationship for publications of papers or research results within the previous two years;
- Has worked with the respondent on academic collaborations;
- Has common interest and is regarded as the respondent's related party;
- Other conflicts of interest that the law or regulation mandates to avoid.

(十)濫行檢舉致影響校園和諧之情事時，經委員會認定，依情節輕重向相關單位提出懲處建議。若濫行檢舉情節重大者，應公布檢舉人之姓名。

10. When the informant's abusive practice has produced adverse effects, the Committee may propose disciplinary actions for the relevant unit(s). If the informant's act has significant adverse effects, the University may disclose the informant's name.

七、當事人對學術倫理委員會之處分有所不服時，得依學校申訴相關規定提出申訴；畢業學生得向教育部提出訴願之救濟程序。

Article 7

When respondents are dissatisfied with the Committee's disciplinary action, they may file a complaint following the relevant University procedure. Those who have graduated from TCU may contact the Ministry of Education for relief procedures.

八、其餘未盡事項，悉依教育部及科技部等相關規定辦理。

Article 8

For other matters not specified in the guidelines, people may refer to relevant laws and regulations of the Ministry of Education and the Ministry of Science and Technology.

九、本要點經校務會議通過，陳請校長核定後公布實施，修正時亦同。

Article 9

The guidelines shall be passed by Meeting of the University's Administrators and ratified by the University President. Any amendments shall follow the same procedures.