

▲ Kyoto University Regulations for the Protection of Whistleblowers

Order No. 88

Enacted: March 6, 2006

Revisions

Order No. 39: March 29, 2006

Order No. 33: March 30, 2007

Order No. 36: March 29, 2010

Order No. 38: March 31, 2011

Order No. 31: March 27, 2012

Order No. 53: September 25, 2012

Order No. 33: March 27, 2013

Order No. 31: March 31, 2015

Order No. 70: December 22, 2015

Order No. 39: March 31, 2016

Order No. 4: March 28, 2017

Order No. 50: September 29, 2017

Chapter 1: General Provisions

(Purpose)

Article 1. These Regulations set forth necessary matters for protection of whistleblowers and handling of whistleblowing at National University Corporation, Kyoto University (hereinafter referred to as “University”) pursuant to the Whistleblower Protection Act (Act No. 122 of 2004, hereinafter referred to as “Act”).

(Definitions)

Article 2. The term “whistleblowing” as used in these Regulations shall mean reporting performed by any staff member of the University (including those who are engaged in operation of the University under worker dispatch contracts or other contracts; the same shall apply hereinafter), without any purpose of obtaining a wrongful gain, any purpose of causing injury to others, or any other wrongful purpose, regarding a Reportable Fact that has occurred, is occurring or is about to occur as a result of any action by the University, or any officer, staff member, agent, or other person in a situation whereby any of the aforementioned is engaged in operation of the University, to the University, to an administrative organ (meaning any of the administrative organs set forth in Article 2, Paragraph 4 of the Act; the same shall apply to Article 11, Paragraph 3 of these Regulations) with the authority to impose disposition (meaning an order, rescission, or any other action involving the exercise of public authority; the same shall apply hereinafter in this Article) or recommendation, etc. (meaning recommendations or other actions which are not dispositions; the same shall apply to Paragraph 3, Item 2 of this Article) in respect of such Reportable Fact, or to any person who is recognized as a required recipient of reporting regarding such Reportable Fact in order to prevent the occurrence thereof or the spread of injury caused thereby (including any person who suffers or might suffer injury as a result of occurrence of such Reportable Fact, but excluding any person who could cause injury to the competitive position or any other legitimate interest of the University).

2. The term “whistleblower” as used in these Regulations shall mean a person who has performed whistleblowing.

3. The term “Reportable Fact” as used in these Regulations shall mean any of the following facts:
- (1) Facts of criminal acts stipulated in the acts (including orders based on such acts; the same shall apply to the following Item) listed in the Appendix to the Act.
 - (2) Facts, in the case where a violation of a disposition based on the acts listed in the Appendix to the Act constitutes facts as provided for in the preceding Item, which is considered to be the grounds for said disposition (including facts, in the case where said facts considered to be grounds violate any other disposition or do not comply with recommendations, etc. based on the provisions of the acts listed in the Appendix to the Act, which are deemed to be grounds for such other disposition or recommendation, etc.).
4. The term “Department” as used in these Regulations shall mean each graduate school, etc. (each graduate school, each research institute, Kyoto University Library, Kyoto University Hospital, and each center, etc. (meaning facilities as set forth in Chapter 3, Sections 7 through 12 of the Regulations for Organizations within National University Corporation, Kyoto University (Order No. 1, 2004; hereinafter referred to as “Organizational Regulations”) (excluding the Kyoto University Library Network among organizations set forth in Article 47, Paragraph 1 of the Organizational Regulations)) including the Departmental Administration Offices, etc. set forth in Article 56, Paragraph 1 of the Organizational Regulations), each department of the Central Administration, Office of the Provost, the administrative office in charge of audits, and each Joint Administration Office. (Order No. 39, 2006/Order No. 33, 2007/Order No. 36, 2010/Order No. 38, 2011/Order No. 31, 2012/Order No. 33, 2013/Order No. 31, 2015/Order No. 39, 2016/Order No. 4, 2017/Order No. 50, 2017/Partial Revision)

Chapter 2: Management Structure

(Person with Oversight of Handling)

Article 3. Handling of whistleblowing in the University shall be overseen by the Vice-President for Legal Affairs/Compliance (hereinafter referred to as “Vice-President in Charge”). (Order No. 53, 2012/Partial Revision)

(Whistleblowing Point of Contact)

Article 4. Contact points for whistleblowers shall be established at the Audit Office and an external law firm to handle information and consultation requests from whistleblowers at the University.

2. A person in charge shall be appointed for each contact point and a member of the Audit Office or an attorney at the law firm set forth in the preceding Paragraph shall serve as the person in charge. (Order No. 39, 2006/Order No. 33, 2013/Order No. 70, 2015/Order No. 4, 2017/Partial Revision)

Chapter 3: Whistleblowing Handling Structure, etc.

(Notification of Whistleblowing Handling Structure, etc.)

Article 5. The Vice-President in Charge shall notify staff members of contact points for whistleblowers, the method for performing whistleblowing, how consultation on whistleblowing will proceed, and other necessary matters. (Order No. 53, 2012/Partial Revision)

(Receipt of Whistleblowing Report)

Article 6. When a contact point for whistleblowers receives a whistleblowing report, it shall promptly notify the whistleblower to that effect.

2. If any officer or staff member of the University other than those serving as contact points for whistleblowers receives a whistleblowing report, he or she shall promptly notify the matter to a contact point or advise the whistleblower concerned to report the matter to a contact point. (Order No. 70, 2015/Partial Revision)

(Consideration on Measures to be Taken in the Event of Receipt of a Whistleblowing Report)

Article 7. Upon receipt of a whistleblowing report as set forth in Paragraph 1 of the preceding Article, the Vice-President in Charge shall consider necessary measures to be taken.

2. The Vice-President in Charge shall notify the whistleblower of the results of the consideration set forth in the preceding Paragraph (such as whether or not an investigation into the Reportable Fact will be implemented) within 20 days from the date on which the whistleblowing report is received. In such case, the Vice-President in Charge shall also report the reason if an investigation is not implemented.
3. The Vice-President in Charge shall direct personnel from the Central Administration to conduct the investigation set forth in the preceding Paragraph. (Order No. 39, 2006/Order No. 38, 2011/Order No. 53, 2012/Partial Revision)

(Implementation of Investigation)

Article 8. An investigation shall be implemented by requiring the Department subject to investigation to submit relevant materials, prove facts, make reports, and take other necessary actions.

2. The investigation shall be implemented in a fair and impartial manner based on facts.

(Obligations of Departments to Cooperate in Investigation)

Article 9. Departments subject to an investigation shall actively cooperate with those conducting such investigation so that it can be smoothly implemented.

2. If any such Department is requested to perform any specified actions to implement an investigation pursuant to the Paragraph 1 of the preceding Article, it cannot refuse any such request without a justifiable reason.

(Notification of Investigation Results)

Article 10. The Vice-President in Charge shall notify the investigation results to the whistleblower concerned following completion of the investigation. (Order No. 53, 2012/Partial Revision)

(Remedial Measures, etc.)

Article 11. If an investigation confirms the existence of the Reportable Fact, the Vice-President in Charge shall immediately take necessary measures to rectify the situation and prevent recurrence of such Reportable Fact (hereinafter referred to as “Remedial Measures, etc.”) or shall direct the head of the Department (an Executive Director designated by the President for the Intramural Platform; the same shall apply to the next Paragraph.) to take Remedial Measures, etc.

2. If the head of the Department takes the Remedial Measures, etc. ordered based on the provision of the preceding Paragraph, he/she shall report matters such as the contents of the Remedial Measures, etc. and the results of such measures to the Vice-President in Charge.
3. If the Vice-President in Charge takes measures as set forth in Paragraph 1 of this Article or receives the report set forth in the preceding Paragraph 2, he/she shall notify the whistleblower of the results of the Remedial Measures, etc. in addition to the notification set forth in the preceding Article, and shall report said investigation and the Remedial Measures, etc. to an appropriate administrative organ if required. (Order No. 33, 2007/Order No. 53, 2012/Order No. 39, 2016/Partial Revision)

(Giving Consideration to Those Reported by a Whistleblower)

Article 12. When providing a notification to a whistleblower in accordance with the provisions set forth in Article 10 and Article 11, Paragraph 3 of these Regulations, the Vice-President in Charge shall exercise care not to dishonor or violate the privacy, etc. of any person(s) reported by the whistleblower (meaning anyone who is reported to be a person who has violated, is currently violating or is about to violate any law and/or regulation) or anyone who has contributed to the investigation concerned. (Order No. 53, 2012/Partial Revision)

(Obligations of a Person in Charge, etc. of a Contact Point for Whistleblowers)

Article 13. A person in charge of a contact point for whistleblowers or those who conduct the investigation (referred to as “Person in Charge, etc. of a Contact Point” in this Article) shall not disclose any confidential information obtained in the course of his/her duties. This shall apply to such persons even after they cease to be the Person in Charge, etc. of a Contact Point. (Order No. 70, 2015/Partial Revision)

(Exemption from Application to Investigation, etc.)

Article 14. If otherwise specified by any other regulation(s), the provisions set forth in this Chapter shall not apply to implementation of an investigation or the Remedial Measures, etc. to the extent of such regulation(s).

Chapter 4: Protection of Whistleblowers

(Prohibition of Dismissal)

Article 15. On the basis of having been a whistleblower as set forth in each Item of Article 3 of the Act or having consulted on whistleblowing (referred to as “whistleblowing, etc.” in the next Article), the University shall not dismiss any whistleblower or any person who consulted on whistleblowing (referred to as “whistleblowers, etc.” in the next Article) (or shall not terminate any agreement with any person who is engaged in operation of the University based on a dispatch worker agreement or any other agreement).

(Prohibition of Disadvantageous Treatment)

Article 16. Officers and staff members of the University shall not disadvantageously treat whistleblowers, etc. on the grounds that they have performed whistleblowing, etc.

Chapter 5: Other

(Mutatis Mutandis Application to Reporting that Does Not Constitute Whistleblowing)

Article 17. Reporting by persons other than staff members of the University or reporting of facts that violate the provisions of the regulations stipulated by the President or Executive Director shall be treated in line with the provisions for whistleblowing in Chapters 3 and 4.

(Implementation Rules)

Article 18. Necessary matters for implementation of these Regulations, in addition to those prescribed herein, shall be separately specified by the Vice-President in Charge. (Order No. 53, 2012/Partial Revision)

Supplementary Provision

These Regulations shall come into force as of April 1, 2006.

[Supplementary provisions on intervening amendments omitted here]

Supplementary Provision (Order No. 50, 2017)

These Regulations shall come into force as of October 1, 2017.