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▲ Kyoto University Regulations for the Protection of Whistleblowers

Order No. 88

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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

Order No. 62: September 25, 2019

Order No. 22: March 31, 2020

Order No. 58: September 29, 2020

Order No. 21: April 15, 2021

Order No. 37: March 30, 2022

Order No. 51: May 31, 2022

Order No.28: March 31, 2023

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.

1. The term “whistleblowing” as used in these Regulations shall mean reporting performed by any officer and staff member of the University (including those who retired within one year before the day of reporting) and those who are engaged in operation of the University under worker dispatch contracts or other contracts, or those who were engaged in such operation (limited to those who finished the contracted work within one year before the day of reporting), 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 (including an external law firm set forth in Article 4, Paragraph 1 of these Regulations), 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 predetermined by the administrative organ 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 the act of 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 Act and the acts (including orders based on such acts; the same shall apply to the following Item) listed in the Appendix to the Act, or facts which are the ground of civil fines stipulated in the Act and the acts 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 are 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 “whistleblowing response operations” as used in these Regulations shall mean operations that are supposed to receive a whistleblowing (including consultation) set forth in Articles 4 and 6, conduct a preliminary investigation and an Official Investigation set forth in Article 7, Paragraph 1 (hereinafter referred to as “investigation, etc.”), and take necessary measures to rectify the situation.
5. 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 and 8, and 9 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 Office of Audit and Integrity, Auditor Support Office and Administration Office, Fraud Prevention Department 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/Order No. 62, 2019/Order No. 22, 2020/Order No. 21, 2021/Order No.37,2022/Order No.51, 2022/Order No. 28, 2023/Partial Revision)

Chapter 2: Management Structure

(Person with Oversight of Handling, etc.)

Article 3. Handling of whistleblowing in the University shall be overseen by the executive vice-president for research integrity (hereinafter referred to as “Executive Vice-President in Charge”), and the Office of Audit and Integrity shall be in charge of administrative work thereof. (Order No. 53, 2012/Order No. 22, 2020/Order No. 58, 2020/Order No. 51, 2022/Partial Revision)

(Contact Points for Whistleblowing and Consultation)

Article 4.

1. Contact points for whistleblowing and consultation shall be established at the Office of Audit and Integrity 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 for whistleblowing and consultation, and a member of the Office of Audit and Integrity 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/Order No. 22, 2020/Order No.51, 2022/Partial Revision)

Chapter 3: Whistleblowing Handling Structure, etc.

(Notification of Whistleblowing Handling Structure, etc.)

Article 5. The Executive Vice-President in Charge shall notify staff members of contact points for whistleblowing and consultation, the method for performing whistleblowing, how consultations on whistleblowing will proceed, and other necessary matters. (Order No. 53, 2012/Order No. 58, 2020/Order No.51, 2022/Partial Revision)

(Receipt of Whistleblowing Report)

Article 6.

1. When a contact point for whistleblowing and consultation 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 whistleblowing and consultation receives a whistleblowing report, he or she shall promptly notify the matter to the contact point or advise the whistleblower concerned to report the matter to the contact point.
3. The Executive Vice-President in Charge shall confirm if the whistleblowing report received pursuant to Paragraph 1 or 2 satisfies the requirements as a whistleblowing report and promptly notify the whistleblower of whether the report was accepted or not. (Order No. 70, 2015/Order No.51, 2022/Partial Revision)

(Designation of Persons Engaged in Whistleblowing Response Operations)

Article 6-2.

1. The Executive Vice-President in Charge shall designate a person who is engaged in all or part of the whistleblowing response operations and to whom matters that may identify a whistleblower in relation to such operations (hereinafter referred to as “identification information”) are communicated as a person engaged in whistleblowing response operations (hereinafter referred to as “engaged person”) from among the persons set forth in each of the following items:
 - (1) Executive Vice-President in Charge;
 - (2) Staff members of the Office of Audit and Integrity;
 - (3) The person in charge at the external law firm set forth in Article 4, Paragraph 2;

- (4) Staff members to whom identification information is communicated in performing investigation, etc. if the Executive Vice-President in Charge determines that it will be impossible to conduct an investigation, etc. that is highly required without identifying a whistleblower;
 - (5) Staff members to whom identification information is communicated in the course of performing Remedial Measures, etc. set forth in Article 11; and
 - (6) Other officers or staff members to whom identification information is communicated in performing whistleblowing response operations.
2. When designating the engaged person set forth in the preceding Paragraph, the Executive Vice-President in Charge shall notify the engaged person of necessary matters. (Added by Order No.51, 2022)

(Consideration on Measures to be Taken in the Event of Receipt of a Whistleblowing Report)
Article 7.

1. To determine whether or not a full-scale investigation (hereinafter referred to as “Official Investigation”) is necessary in relation to a whistleblowing report received as set forth in Article 6, Paragraph 3, the Executive Vice-President in Charge shall perform a preliminary investigation of a Reportable Fact.
2. The Executive 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 Official Investigation into the Reportable Fact will be implemented) within 20 days from the date on which the whistleblowing report is received. In such a case, the Executive Vice-President in Charge shall also report the reason if an Official Investigation is not implemented.
3. The Executive Vice-President in Charge shall direct each department of the Central Administration, Office of the Provost, the Office of Audit and Integrity, Auditor Support Office or Administration Office, Fraud Prevention Department (hereinafter referred to as “each department of the Central Administration, etc.”) or a department subject to the preliminary investigation, etc. to conduct a preliminary investigation set forth in Paragraph 1, and each department of the Central Administration, etc. to conduct an Official Investigation.
4. Each department of the Central Administration, etc. performing investigation etc. shall perform the investigation, etc. in coordination with a department subject to the investigation, etc. (Order No. 39, 2006/Order No. 38, 2011/Order No. 53, 2012/Order No. 58, 2020/Order No. 51, 2022/Order No.28, 2023/Partial Revision)

(Implementation of Investigation, etc.)
Article 8.

1. An investigation, etc. shall be implemented by closely examining materials, interviewing those concerned regarding the whistleblowing, etc., and the result thereof shall be promptly reported to the Executive Vice-President in Charge.
2. An investigation, etc. shall be implemented in a fair and impartial manner based on facts. (Order No.51, 2022/Partial Revision)

(Obligations to Cooperate in Investigation, etc.)
Article 9.

1. Officers and staff members of the University shall actively cooperate with those conducting such investigation, etc. so that it can be smoothly implemented.
2. If any of the officers and staff members of the University are requested to perform any specified actions to implement an investigation, etc. pursuant to Paragraph 1 of the preceding

Article, they may not refuse any such request without a justifiable reason. (Order No.51, 2022/Partial Revision)

(Notification of Official Investigation Results)

Article 10. The Executive Vice-President in Charge shall notify the results of an Official Investigation, etc. to the whistleblower concerned following completion of the Official Investigation, etc. (Order No. 53, 2012/ Order No. 58, 2020/Order No.51, 2022/Partial Revision)

(Remedial Measures, etc.)

Article 11.

1. If an Official Investigation confirms the existence of the Reportable Fact, the Executive Vice-President in Charge shall immediately direct the head of each department of the Central Administration, etc. or a department subject to the Official Investigation (an executive vice-president designated by the President for the Intramural Platform; the same shall apply to this Article and Article 16.) to take necessary measures to rectify the situation and prevent recurrence of such Reportable Fact (hereinafter referred to as “Remedial Measures, etc.”).
2. If the head of each department of the Central Administration, etc. or a department subject to the Official Investigation takes the Remedial Measures, etc. ordered based on the provision of the preceding Paragraph, he/she shall report matters such as the content of the Remedial Measures, etc. and the results of such measures to the Executive Vice-President in Charge.
3. If the Executive Vice-President in Charge 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 Official Investigation and the Remedial Measures, etc. to an appropriate administrative organ if required.
4. If necessary, the Executive Vice-President in Charge shall confirm that Remedial Measures, etc. taken as set forth in Paragraph 2 have appropriately functioned, and, if they have not appropriately functioned, direct the head of each department of the Central Administration, etc. or a department subject to the Official Investigation again to take Remedial Measures, etc. (Order No. 33, 2007/Order No. 53, 2012/Order No. 39, 2016/Order No. 58, 2020/Order No.51, 2022/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 Executive Vice-President in Charge shall exercise care as 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, etc. concerned. (Order No. 53, 2012/Order No. 58, 2020/Order No.51, 2022/Partial Revision)

(Prohibition of Searching for Whistleblower)

Article 12-2. Officers and staff members of the University shall not search for a whistleblower except in unavoidable circumstances, including where it would be impossible to conduct an investigation, etc. that is highly required without identifying the whistleblower. (Added by Order No.51, 2022)

(Obligations of a Person in Charge, etc.)

Article 13. An engaged person set forth in Article 6-2 or those involved in an investigation, etc., and those involved in Remedial Measures, etc. in Article 11 (hereinafter collectively referred to as “Person in Charge, etc.” 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. (Order No. 70, 2015/Order No.51, 2022/Partial Revision)

(Evaluation and Inspection of Whistleblowing Response Structure)

Article 13-2. The Executive Vice-President in Charge shall perform regular evaluations and inspections of the whistleblowing response structure and make improvements thereof if necessary. (Added by Order No.51, 2022)

(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, etc. or the Remedial Measures, etc. to the extent of such regulation(s). (Order No.51, 2022/Partial Revision)

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.

1. Officers and staff members of the University shall not disadvantageously treat whistleblowers, etc. on the grounds that they have performed whistleblowing, etc.
2. If any fact that violates the provisions of Article 12-2 or Article 13, or any fact of dismissal as prohibited in the provision of the preceding Article or disadvantageous treatment as prohibited in the provision of the preceding Paragraph is identified, the Executive Vice-President in Charge shall take appropriate relief measures or recovery measures, or direct the head of each department of the Central Administration, etc. or a department subject to the whistleblowing, etc. to take appropriate relief measures or recovery measures. (Order No.51, 2022/Partial Revision)

(Limitations on Compensation Claim)

Article 16-2. The University may not claim compensation for any damage caused by an act of whistleblowing against the University from a whistleblower who conducted the whistleblowing. (Added by Order No.51, 2022)

Chapter 5: Other

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

Article 17. The following types of reporting shall be treated in line with the provisions for whistleblowing in Chapters 3 and 4.

- (1) Any reporting made by any person other than officers or staff members of the University (including those who retired within one year before the day of reporting) and those who are engaged in the operation of the University under worker dispatch contracts or other

- contracts, or those who were engaged in such operation (limited to those who finished the contracted work within one year before the day of reporting); and
- (2) Any reporting of facts that violate the provisions of the regulations stipulated by the President or executive vice-presidents. (Order No.51, 2022/Partial Revision)

(Implementation Rules)

Article 18. Necessary matters for implementation of these Regulations, in addition to those prescribed herein, shall be separately specified by the Executive Vice-President in Charge. (Order No. 53, 2012/Order No. 58, 2020/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. 28, 2023)

These Regulations shall come into force as of April 1, 2023.