

○ Rules on the Protection of Whistleblowers at the National University Corporation Kobe University
(Established on October 23, 2007)

Revised on: March 31, 2009 June 22, 2010
March 21, 2012 March 27, 2013
September 27, 2013 March 27, 2014
March 31, 2015 September 30, 2015

(Purpose)

Article 1 The purpose of these Rules is to provide for the necessary matters concerning the protection of whistleblowers and the treatment of whistleblowing, etc. at the National University Corporation Kobe University (hereinafter referred to as "University") pursuant to the provisions of the Whistleblower Protection Act (Act No. 122 of 2004; hereinafter referred to as "Act").

(Definitions)

Article 2 The term "Whistleblowing" as used in these Rules means the reporting to any of the following items by staff members, without a purpose of obtaining an wrongful gain, a purpose of inflicting damages on others, or any other wrongful purpose, about a reportable fact that has been occurred, or is about to be occurred by the University's officers, staff members, etc., students (including research students; the same applies hereinafter.) and other persons in the University where they are engaged in duties of the University .

(1) Whistleblowing desk prescribed by Article 4;

(2) Administrative organs (means the Administrative Organs prescribed in Article 2, paragraph 4 of the Act) that have the authority to take measures (this means actions taken through orders, cancellation and other exercise of public authority. The same applies hereinafter.) or to make a recommendation, etc. (this means actions not taken through recommendation and other disposition. The same applies hereinafter.) regarding the said reportable facts;

(3) Any person to whom such Whistleblowing is considered necessary to prevent the occurrence of the Reportable Fact or the spread of damage caused by the said Reportable Fact (including persons who suffer or are likely to suffer damage due to the said Reportable Fact; excluding persons whose competitive standing at the University and other legitimate interests are likely to be suffer.).

2 The term "Reportable Fact" as used in these Rules shall mean any of the following facts:

(1) Fact on a criminal act of an offense prescribed in the Act listed in the table appended to the Act (including any orders under these Acts. Hereinafter the same applies for next item.);

(2) Fact, in the case where a violation of a disposition pursuant to the Act listed in the appended table to the Act constitutes the fact provided for in the preceding item, which is the ground of the said disposition (including the fact, in the case where the said ground is the fact which is the violation of other disposition or not complying with recommendation, etc. pursuant to the Act listed in the same table which is the ground of the said other disposition or recommendation, etc.).

3 The term "Staff Members" as used in these Rules mean staff members subject to the National University Corporation Kobe University Rules on Conditions of Employment for Staff Members (established on April 1, 2004), National University Corporation Kobe University Work Regulations for Mariners (established on April 1, 2004), National University Corporation Kobe University Rules on Conditions of Employment for Project Staff Members (established on March 28, 2006), National University Corporation Kobe University Regulations on Employment for Specified with Definite Term Medical Staff Members (established on March 28, 2006), National

University Corporation Kobe University Rules on Conditions of Employment for Rehiring of Staff Members (established on April 1, 2004), National University Corporation Kobe University Rules on Conditions of Employment for Associate Staff Members (established on March 23, 2015) or National University Corporation Kobe University Rules on Conditions of Employment for Non-Regular Staff Members (established on April 1, 2004), National University Corporation Kobe University Rules for Handling Visiting Researchers (established on April 1, 2004) (hereinafter referred to as "Work Regulations, etc.").

4 The term "Staff Members, etc." as used in these Rules mean dispatched staff members (dispatched workers prescribed under Article 2, item (2) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985)) engaged in the duties at the University or persons engaged in duties at the University under contract agreements and other contracts.

5 The term "Whistleblower" as used in these Rules mean Staff Members, etc. who has done Whistleblowing.

6 The term "Departments, etc." as used in these Rules mean each institute, each faculty, each graduate school, Organization of Advanced Science and Technology, Research Institute for Economics and Business Administration, university library system, University Hospital attached to the School of Medicine, Attached Schools' Department, The Kobe University Interfaculty Initiative in the Social Sciences, Kobe University Integrated Research Centre, Centre for EU-Japan Collaborative Education, Information Science and Technology Center, Center for Collaborative Research and Technology Development, International Student Center, Center for Supports to Research and Education Activities, Center for Environmental Management, Education Center on Computational Science and Engineering, Kobe Ocean-Bottom Exploration Center, Medical Center for Student Health, Career Center, Administrative Offices (including the Auditing Office, Internal Control Office) and other offices and secretariats established under the provisions of paragraph 1 of Article 18 of the Rules of the National University Corporation Kobe University (established on April 1, 2004).

(Person Responsible for Dealing with Whistleblowing)

Article 3 The University shall have a person responsible for dealing with Whistleblowing (hereinafter referred to as "Person Responsible") who shall be designated by the President.

2 The Person Responsible shall summarize the investigations pertaining to Whistleblowing and the processing of other Whistleblowing deemed necessary.

(Whistleblowing Desk)

Article 4 The University shall set up a whistleblowing desk in the Internal Control Office to deal with Whistleblowing and consultations pertaining to Whistleblowing (hereinafter referred to as "Whistleblowing, etc.") at the University.

(Methods of Whistleblowing, etc.)

Article 5 Whistleblowing, etc. shall be done at the whistleblowing desk through telephone calls, emails, facsimiles, writing or interviews.

(Reception of Whistleblowing, etc.)

Article 6 When Whistleblowing is received at the whistleblowing desk, the Whistleblower shall be notified of it promptly and it shall be reported to the Person Responsible.

2 When a Staff Member other than a Staff Member at the whistleblowing desk received the Whistleblowing, he or she shall contact the whistleblowing desk promptly.

(Investigation, etc.)

Article 7 When the Person Responsible received a report pertaining to Whistleblowing, he or she shall report it to the President, as well as carry out the necessary measures such as investigations related to the facts concerning the said Whistleblowing.

2 The Person Responsible may ask Staff Members from the Internal Control Office or the relevant Departments, etc. other than the Internal Control Office to carry out the investigations prescribed in the preceding paragraph.

3 The Person Responsible may request from the Department, etc. under investigation for the submission of relevant documents, evidence for facts, reports and other actions necessary for the conducting investigations.

4 Notwithstanding the provisions of the preceding 2 paragraphs, when the Person Responsible deems it to be reasonable for the said investigations to be carried out by the existing committee at the University, he or she may propose it to the President.

(Duty to Cooperate)

Article 8 Each Department, etc. shall actively cooperate with the said investigation if cooperation is requested by the Person Responsible for an investigation relating to the facts concerning the Whistleblowing, and may not reject it without legitimate reasons.

(Investigation Results and Remedial Measures, etc.)

Article 9 The Person Responsible must report the investigation results to the President, as well as offer opinions to the President when the wrongdoing corresponding to the Reportable Fact has become clear to take remedial measures for the said wrongdoing and necessary measures for the prevention of recurrence (hereinafter referred to as "Remedial Measures, etc.")

2 When the President deems it necessary based on the opinions provided in the preceding paragraph, he or she shall promptly take Remedial Measures, etc., or order the head of Department, etc., to take Remedial Measures, etc., as well as notify the Person Responsible of the details.

3 When the head of Department, etc. took Remedial Measures, etc. pursuant to the provisions of the preceding paragraph, he or she shall report the details of the said Remedial Measures, etc. and that results, etc. to the Person Responsible.

4 When the report prescribed in the preceding paragraph is received, the Person Responsible shall report this result to the President.

(Notification, etc.)

Article 10 When the Person Responsible received the report pertaining to the Whistleblowing, he or she must notify the said Whistleblower whether investigations were conducted pertaining to the said Reportable Facts within 20 days from the day he or she received the said Whistleblowing. In the case where an investigation is not conducted, he or she must notify the Whistleblower along with the reason for not doing so.

2 The Person Responsible must consider the privacy of the person accused/alleged of wrongdoing pertaining to the said Whistleblowing (this means a person who has been reported as someone who violated, is violating, or is about to violate the laws and regulations. The same applies hereinafter.) while informing the Whistleblower without delay of the investigation results and the results of the Remedial Measures, etc.

(Protection of Whistleblowers)

Article 11 The University must not dismiss (in the case of dispatched workers or persons engaging in duties at the University under contract agreements or other contracts, cancel the said contract) the Staff Members, etc. or treat them in a disadvantageous manner on the grounds that they involved in Whistleblowing, etc.

2 The University must take appropriate measures to ensure that there is no deterioration of the work or school environment of Staff Members, etc. who involved in Whistleblowing, etc.

(Confidentiality)

Article 12 Persons who engage in or were engaged in duties pertaining to Whistleblowing, etc. stipulated in these Rules such as the Person Responsible must not divulge to others the personal information of the Whistleblower, details of the Whistleblowing, etc. and secrets acquired through investigations.

(Disciplinary Actions, etc.)

Article 13 Where actions that violate laws and regulations become clear in the investigation results, the University may carry out disciplinary action pursuant to the Work Regulations, etc. against Staff Members involved in such actions.

(Whistleblowing with Wrongful Purposes)

Article 14 Whistleblowers must not make false reports, blow the whistle to defame or slander others, or blow the whistle with other wrongful purposes.

2 Where a Staff Member blew the whistle as prescribed in the preceding paragraph, disciplinary action may be taken pursuant to the Work Regulations, etc.

(Application to Notifications by Students)

Article 15 Notifications by students of the University shall be treated in line with the examples of Whistleblowing.

(Administrative Procedures)

Article 16 Administrative duties relating to Whistleblowing shall be carried out in the Internal Control Office with the cooperation of relevant Departments, etc.

(Miscellaneous Provisions)

Article 17 In addition to the provisions of these Rules, necessary matters concerning the implementation of these Rules shall be prescribed by the President.

Supplementary Provisions

These Rules come into effect on October 23, 2007.

Supplementary Provisions between the original and the latest are omitted.

Supplementary Provisions (September 30, 2015)

These Rules come into effect on October 1, 2015.