

Hiroshima University Regulations for Handling of Whistleblowing

Regulation No. 20 of March 14, 2006

Hiroshima University Regulations for Handling of Whistleblowing

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Chapter I General Provisions

(Purpose)

Article 1 These Regulations prescribe the matters necessary for the handling of whistleblowing at Hiroshima University (hereinafter referred to as the University) in accordance with the provisions of the Whistleblower Protection Act (Act No. 122 of 2004; hereinafter referred to as the Act) and Article 28 of the Hiroshima University Policies and Regulations (Regulation No. 1 of April 1, 2004).

(Definitions)

Article 2 (1) The term whistleblowing as used in these Regulations shall mean whistleblowing by an employee, etc., without any purpose of obtaining a wrongful gain or causing damage to others or any other wrongful purpose, about a reportable fact that has occurred or is about to occur in relation to the University, its officers, employees or students, or any other party relating to the University, to the University, an administrative organ with the authority to impose dispositions (meaning any order, rescission or other acts involving the exercise of public authority; hereinafter the same applies) or make recommendations, etc. (meaning any recommendation or other acts which are not dispositions; hereinafter the same applies) pertaining to said reportable fact, or any person to whom it is regarded as necessary to report said reportable fact in order to prevent the occurrence thereof or the spread of damage caused thereby (including persons who suffer or potentially suffer damage from said reportable fact, but excluding persons who might cause damage to the competitive position or any other legitimate interests of the University; the same applies in Article 5).

(2) The term whistleblower as used in these Regulations shall mean an employee, etc. who has engaged in whistleblowing.

(3) The term reportable fact as used in these Regulations shall mean either of the following

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facts:

- (i) Fact of any criminal act provided for in the laws (including orders based on those laws; the same applies to the following item) listed in the appendix of the Act, concerning the protection of individuals' lives and bodies, the protection of the interests of consumers, the conservation of the environment, the protection of fair competition, and the protection of citizens' lives, bodies, property and other interests; or
 - (ii) Fact, in the case where a violation of a disposition pursuant to any of the laws listed in the appendix of the Act constitutes the fact provided for in the preceding item, which is the ground for said disposition (including the fact, in the case where said ground is the fact of a violation of another disposition, or non-compliance with a recommendation, etc., based on any of the laws listed in the same appendix, which is the ground for the other disposition or recommendation, etc.).
- (4) The term "administrative organ" as used in these Regulations shall mean any of the following organs:
- (i) The Cabinet Office, the Imperial Household Agency, the organs provided for in Article 49 (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999), the organs provided for in Article 3 (2) of the National Government Organization Act (Act No. 120 of 1948), organs established under the jurisdiction of the Cabinet pursuant to the provisions of laws, organs established within these organs, or the personnel of the aforementioned organs who are authorized by laws to independently exercise authority; or
 - (ii) Organs of local public entities (excluding assemblies).
- (5) The term "employee, etc." as used in these Regulations shall mean any of the following persons:
- (i) Employee (meaning each person working at the University (including any person working at the University who has been temporarily transferred from the national government, any prefectural government or any other relevant organization, or working at the University on a training course));
 - (ii) Dispatched worker working under the supervision and orders of the University (meaning dispatched workers provided for in Article 2 (ii) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985); or
 - (iii) Worker under a service contract or other contracts with the University (meaning workers provided for in Article 9 of the Labor Standard Act (Act No. 49 of 1947)) who engages in the University's operations thereat.
- (6) The term "department, etc." as used in these Regulations shall mean any of the Schools, the Graduate Schools, the Attached Research Institutes, the University Hospital, the Libraries, the Headquarters for Education, the National Joint Usage Facilities, the Joint Usage Facilities for

National Universities in the Chugoku/Shikoku Area, the Joint Education and Research Facilities on Campus, the Joint Usage Facility on Campus, the Attached Schools, the President's Office, the University Administration Planning Office, the Office of Global Initiatives, the Audit Office, the Executive Office, the Higashi-Hiroshima Campus Management Support Office, or the Kasumi Campus Management Support Office.

Chapter II Requirements for Whistleblowing

(Requirements for Whistleblowing to the University)

Article 3 Any employee, etc. may whistleblow to the University when such employee, etc. considers, without any wrongful purpose, that a reportable fact has occurred or is about to occur.

(Requirements for Whistleblowing to Administrative Organs)

Article 4 When there are reasonable grounds to believe that a reportable fact has occurred or is about to occur, any employee, etc. may whistleblow to an administrative organ with the authority to impose dispositions or make recommendations, etc. in relation to the reportable fact, provided that such whistleblowing is not for any wrongful purpose.

(Requirements for Whistleblowing to Other External Bodies)

Article 5 When there are reasonable grounds to believe that a reportable fact has occurred or is about to occur, and where any of the following cases applies, any employee, etc. may whistleblow to the person to whom it is regarded as necessary to report such reportable fact in order to prevent the occurrence thereof or the spread of damage caused thereby, provided that such whistleblowing is not for any wrongful purpose:

- (i) Where the employee, etc. has reasonable grounds to believe that he/she will be dismissed or receive any other disadvantageous treatment if he/she whistleblows as provided for in the preceding two Articles;
- (ii) Where the employee, etc. has reasonable grounds to believe that the evidence pertaining to the reportable fact might potentially be concealed, fabricated or altered if he/she whistleblows as provided for in Article 3;
- (iii) Where the employee, etc. has been requested by the University, without any justifiable reason, not to whistleblow pursuant to the preceding two Articles;
- (iv) Where the employee, etc. has not been notified by the University of the commencement of an investigation on the reportable fact within 20 days from the day of whistleblowing provided for in Article 3 and made in writing (including by email or fax; the same applies to Article 16 (1)), or the University does not conduct an investigation without any justifiable reason; or
- (v) Where the employee, etc. has reasonable grounds to believe that some damage to the life or body of an individual has been caused or that there is an imminent danger of such damage.

Chapter III Whistleblowing Handling System

(Responsible Person and Administrator)

Article 6 (1) A person responsible for handling whistleblowing shall be placed at the University, and the President shall act as such.

(2) A whistleblowing handling administrator shall be placed under the person responsible for handling whistleblowing, and the Executive (Financial and General Affairs) shall act as such administrator.

(3) The whistleblowing handling administrator shall exercise overall control over operations relating to the handling of whistleblowing cases at the University.

(Contact Point for Receipt and Consultation)

Article 7 A whistleblowing contact point shall be established in the General Affairs Group of the Department of Financial and General Affairs, the Financial and General Affairs Office, as a contact point to receive whistleblowing cases from employees, etc. and provide consultation to employees, etc. in relation to reportable facts.

(Methods of Whistleblowing and Consultation)

Article 8 The methods of whistleblowing and consultation shall be such means as telephone, email, fax, in writing or interview.

(Investigation)

Article 9 (1) The whistleblowing handling administrator shall instruct the head of the relevant department, etc., the head of the relevant committee, etc., or the whistleblowing contact point to investigate the facts of the whistleblowing case, where necessary.

(2) The whistleblowing handling administrator or the relevant department, etc. may establish an Investigation Committee composed of officers, employees and/or other relevant parties, when finding it necessary to conduct an investigation.

(3) When instructed to conduct an investigation pursuant to paragraph (1), the head of the relevant department, etc., the head of the relevant committee, etc., or the whistleblowing contact point shall report the results of the investigation to the whistleblowing handling administrator without delay.

(Duty to Cooperate)

Article 10 If required for an investigation of the facts of a whistleblowing case, the head of each department, etc. shall cooperate with the head of the relevant department, etc., the head of the relevant committee, etc. and the whistleblowing contact point when these heads and contact point are instructed to investigate pursuant to paragraph (1) of the preceding Article, and with the Investigation Committee under paragraph (2) of the same Article.

(Remedial Measures)

Article 11 If a violation of any laws or ordinances, or any other similar act, is revealed as a result

of an investigation pursuant to Article 9, the University shall promptly implement remedial measures and measures to prevent the recurrence of such violation, etc.

(Disposition, etc. in the University)

Article 12 If a violation of any laws or ordinances, or any other similar act, is revealed as a result of an investigation pursuant to Article 9, the University may impose disciplinary action or other relevant action upon a party involved in such violation, etc. in accordance with the regulations and other rules of the University.

(Reporting to Relevant Administrative Organs)

Article 13 If a violation of any laws or ordinances, or any other similar act, is revealed as a result of an investigation pursuant to Article 9, the University shall report it to administrative organs associated with such violation, etc., where necessary.

Chapter IV Responsibilities of Parties in Interest

(Protection of Whistleblowers, etc.)

Article 14 (1) The University shall not give any disadvantageous treatment, such as demotion, pay reduction or dismissal, to any employee for the reason of his/her whistleblowing or receipt of consultation on whistleblowing. The same shall apply after such employee's retirement.

(2) The University shall not give any dispatched worker working under the supervision and orders of the University any disadvantageous treatment, such as requesting the worker dispatch business operator associated with the dispatched worker concerned to replace him/her with another dispatched worker, for the reason of his/her whistleblowing or receipt of consultation on whistleblowing.

(3) The University shall implement appropriate measures to prevent the work environment of any employee, etc. from deteriorating for the reason of his/her whistleblowing or receipt of consultation on whistleblowing.

(4) The University may, in accordance with the regulations and other rules of the University, impose disciplinary action, etc. upon any person who has treated an employee, etc. in a disadvantageous manner, harassed him/her or performed any other similar act in relation to him/her for the reason of his/her whistleblowing or receipt of consultation on whistleblowing.

(Protection of Personal Information)

Article 15 (1) The University and persons engaging in operations relating to the handling of whistleblowing shall not disclose any details of whistleblowing cases or consultation thereon, or the personal information obtained in the course of investigations.

(2) The University may, in accordance with the regulations and other rules of the University, impose disciplinary action, etc. upon any person who has disclosed any personal information mentioned in the preceding paragraph without reasonable grounds.

(Notification)

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Article 16 (1) The University shall notify, in writing, each whistleblower of whether the University is to commence an investigation, within 20 days of the day of receipt of his/her whistleblowing under Article 3.

(2) The University shall make efforts to inform each whistleblower of relevant investigation results and remedial measures without delay, while also exercising care for the privacy of the subject parties of the whistleblowing.

(Wrongful Purposes)

Article 17 (1) Employees, etc. shall not carry out any false whistleblowing, any whistleblowing to insult or defame another, or any whistleblowing for wrongful purposes.

(2) The University may, in accordance with the regulations and other rules of the University, impose disciplinary action, etc. upon any person who has whistleblown for a wrongful purpose.

(Respect for Legitimate Interests of Others)

Article 18 Employees, etc. who are to whistleblow shall make efforts to avoid damaging the legitimate interests of others or public interests.

(Responsibility of Persons Receiving Whistleblowing Report or Providing Consultation)

Article 19 Any person who receives a whistleblowing report or is asked for consultation on whistleblowing shall strive to respond to each case in good faith in accordance with these Regulations.

Chapter V Inspection and Evaluation

(Inspection)

Article 20 The whistleblowing handling administrator shall, periodically or as required, inspect the whistleblowing handling situation, and report the results of such inspection to the person responsible for handling whistleblowing and Auditors.

(Evaluation and Review)

Article 21 The person responsible for handling whistleblowing shall evaluate measures for ensuring appropriate handling of whistleblowing on the basis of inspection results and other details and from the aspect of regulatory compliance, and take such action as reviewing the aforementioned measures when finding it necessary to do so.

Chapter VI Other

(Mutatis Mutandis Application to Reporting Other than Whistleblowing)

Article 22 Any reporting by a person other than those prescribed in the items of Article 2 (5) shall be handled in conformity with the handling of whistleblowing cases.

(Miscellaneous Provisions)

Article 23 In addition to the provisions prescribed herein, other matters necessary for the

handling of whistleblowing shall be established separately.

Supplementary Provisions

These Regulations shall come into force on April 1, 2006.

Supplementary Provisions (Regulation No. 117 of June 27, 2007)

These Regulations shall come into force on June 27, 2007, and the provisions of the Hiroshima University Regulations for Handling of Whistleblowing after revision by these Regulations shall apply from May 21, 2007.

Supplementary Provisions (Regulation No. 86 of March 31, 2008)

These Regulations shall come into force on April 1, 2008.

Supplementary Provisions (Regulation No. 46 of March 31, 2009)

These Regulations shall come into force on April 1, 2009.

Supplementary Provisions (Regulation No. 102 of March 31, 2010)

These Regulations shall come into force on April 1, 2010.

Supplementary Provisions (Regulation No. 50 of March 29, 2013)

These Regulations shall come into force on April 1, 2013.

Supplementary Provisions (Regulation No. 66 of July 14, 2014)

These Regulations shall come into force on July 14, 2014, and the provisions of the Hiroshima University Regulations for Handling of Whistleblowing after revision by these Regulations shall apply from June 1, 2014.

Supplementary Provisions (Regulation No. 44 of March 24, 2015)

These Regulations shall come into force on April 1, 2015.

Supplementary Provisions (Regulation No. 147 of April 1, 2016)

These Regulations shall come into force on April 1, 2016.

Supplementary Provisions (Regulation No. 210 of September 21, 2016)

These Regulations shall come into force on September 21, 2016, and the provisions of the Hiroshima University Regulations for Handling of Whistleblowing after revision by these Regulations shall apply from July 26, 2016.

Supplementary Provisions (Regulation No. 106 of March 31, 2017)

These Regulations shall come into force on April 1, 2017.