

National University Corporation Kyushu University Rules for Operating Contact Points for Compliance Violation Reports

Kyushu University Rules No. 154 of 2014

Effective date: March 31, 2015

Last amended: July 30, 2024

(Kyushu University Rule No. 21 of 2024)

(Purpose)

Article 1 The purpose of these Rules is to protect whistleblowers defined in the Whistleblower Protection Act (Act No. 122 of 2004; hereinafter referred to as the “Protection Act”) by providing for necessary matters relevant to the operation and other matters of contact points for compliance violation reports (hereinafter referred to as the “contact points for reports”) pursuant to the provisions of Article 15, paragraph (2) of the National University Corporation Kyushu University Regulations for System and Other Matters for Ensuring Proper Business Activities (Kyushu University Regulation No. 128 of 2014), and to properly deal with facts of violation of the National University Corporation Act (Act No. 112 of 2003; hereinafter referred to as the “Corporation Act”) or other laws and regulations or the regulations and rules of National University Corporation Kyushu University (hereinafter referred to as the “University”), thereby contributing to the thorough compliance with laws and regulations by the University.

(Contact Points for Reports)

Article 2 (1) Among the facts of violation of the Corporation Act or other laws and regulations or the regulations and rules of the University, those related to the matters set forth in the following items are handled by contact points for reports that are established as provided respectively in those items:

- (i) harassment: National University Corporation Kyushu University Rules for Prevention of Harassment (Kyushu University Employment Regulation No. 30 of 2004);
- (ii) research misconduct: National University Corporation Kyushu University Rules for Appropriate Research Activities (Kyushu University Employment Regulation No. 14 of 2009); and
- (iii) misuse of research funds: Kyushu University Rules Concerning Investigations into Unauthorized Use of Competitive Research Funds (Kyushu University Rule No. 76 of 2014).

(2) As contact points for whistleblowing disclosures provided in Article 2, paragraph (1) of the Protection Act and for reports from parties inside and outside the University with regard to compliance violation cases related to matters other than the matters referred to in the preceding paragraph (hereinafter referred to as “whistleblowing disclosures, etc.”), contact points for

whistleblowing disclosures, etc. are established in the Audit and Compliance Office and an organization outside the campus.

(3) The provisions of the preceding paragraph do not preclude each division or unit in the Administrative Bureau or each faculty's administrative office that is in charge of affairs relevant to reportable facts provided in Article 2, paragraph (3) of the Protection Act and compliance violation cases related to matters other than the matters referred to in paragraph (1) (hereinafter simply referred to as "compliance violation cases") (hereinafter such division, etc. is referred to as the "division in charge"), from receiving whistleblowing disclosures, etc. made not via a contact point for whistleblowing disclosures, etc.

(Persons Engaged in the Activity of Dealing with Whistleblowing Disclosures, etc.)

Article 3 (1) The persons set forth in the following serve as persons to engage in receiving a whistleblowing disclosure, etc., investigating the compliance violation case subject to the whistleblowing disclosure, etc., and taking necessary measures to rectify the compliance violation (hereinafter referred to as the "activity of dealing with whistleblowing disclosures, etc.") (these persons are hereinafter referred to as "persons engaged in the activity of dealing with whistleblowing disclosures, etc."):

- (i) the Executive Vice President in charge of compliance violation cases (hereinafter referred to as the "Executive Vice President in charge");
- (ii) the staff members of the Audit and Compliance Office;
- (iii) the person in charge at the off-campus contact point provided in paragraph (2) of the preceding Article; and
- (iv) other persons the Executive Vice President in charge deems necessary for each compliance violation case.

(2) If the Executive Vice President in charge has a direct interest in a compliance violation case, an Executive Vice President who has no direct interest in the relevant compliance violation case designated by the President (or by an Auditor if both the President and the Executive Vice President in charge have a direct interest in the relevant compliance violation case) shall engage in the activity of dealing with whistleblowing disclosures, etc. in place of the Executive Vice President in charge.

(3) A person who has a direct interest in a compliance violation case shall not be allowed to engage in the activity of dealing with whistleblowing disclosures, etc. for the relevant compliance violation case.

(4) The President shall notify persons who are to engage in the activity of dealing with whistleblowing disclosures, etc. provided in paragraph (1) in a manner that it is clear to the persons that they have been designated as persons engaged in the activity of dealing with whistleblowing

disclosures, etc.; provided, however, that the Executive Vice President in charge makes this notification on behalf of the President if the President has a direct interest in the relevant compliance violation case.

(Method of Whistleblowing Disclosure, etc.)

Article 4 A person who makes a whistleblowing disclosure, etc. (hereinafter referred to as a “whistleblower”) must, in principle, clearly indicate the following matters to the contact point for whistleblowing disclosures, etc. by post, telephone, facsimile, email, interview, or other means:

- (i) the name and contact information of the whistleblower;
- (ii) the name of the person who is suspected of having been involved in the relevant compliance violation case (hereinafter referred to as the “person being reported”);
- (iii) the details of the relevant compliance violation case (e.g., the name of the law or regulation violated, how and when the violation has taken place); and
- (iv) reasonable grounds or basis for reporting the relevant compliance violation case.

(Handling of Whistleblowing Disclosures, etc.)

Article 5 (1) If the Audit and Compliance Office receives a whistleblowing disclosure, etc. made pursuant to the provisions of the preceding Article (including the case where the relevant information is shared pursuant to the provisions of the following paragraph), it shall forward the whistleblowing disclosure, etc. or provide the necessary information to an appropriate division in charge depending on the details of the whistleblowing disclosure, etc.

(2) If a contact point for whistleblowing disclosures, etc. established in an organization outside the campus receives a whistleblowing disclosure, etc., it shall share the relevant information with the Audit and Compliance Office.

(3) The head of the division in charge shall receive a whistleblowing disclosure, etc. regarding which the matters set forth in the items of the preceding Article are clearly indicated; provided, however, that the head of the division in charge may receive a whistleblowing disclosure, etc. that does not satisfy this requirement if they find it necessary to do so.

(4) Notwithstanding the provisions of paragraph (1) and the preceding paragraph, when the head of the Audit and Compliance Office finds it inappropriate for a whistleblowing disclosure, etc. to be handled by the division in charge, they may receive the whistleblowing disclosure, etc. without forwarding it to the division in charge.

(5) If the head of the division in charge does not accept a whistleblowing disclosure, etc., they shall provide the whistleblower with the reasons therefor and other necessary information.

(6) If the head of the division in charge or the head of the Audit and Compliance Office (hereinafter referred to as the “head of the division in charge, etc.”) receives a whistleblowing disclosure, etc.

(including the case where the relevant information is shared pursuant to the provisions of paragraph (2)), they must promptly report the details thereof to the Executive Vice President in charge.

(7) The Executive Vice President in charge decides whether it is necessary to investigate the details of a whistleblowing disclosure, etc. within 20 days from the receipt of the whistleblowing disclosure, etc. in principle, after seeking cooperation from the related staff members and administrative office, examining the related materials, and verifying the reasonableness of the whistleblowing disclosure, etc., and reports the decision to the President (or to an Auditor if the President is included in the persons being reported).

(8) In principle, if the Executive Vice President in charge decides to conduct an investigation under the provisions of the preceding paragraph, they shall notify the whistleblower and the person being reported of the decision and request cooperation for the investigation; and if the Executive Vice President decides not to conduct the investigation, they shall notify the whistleblower of the decision with the reasons therefor.

(9) If a compliance violation case is suggested by media coverage or by an external organization, etc. or if suspicion about a compliance violation case is raised in an internal audit and the like, the case may be handled in the same manner as in the case where a whistleblowing disclosure, etc. is made.

(Investigation and Finding)

Article 6 (1) The Executive Vice President in charge shall have staff members designated thereby investigate matters, such as the existence or absence of a compliance violation case, and the details of the compliance violation case if it exists, the persons involved in the case and the degree of their involvement, and the damage caused to the University (hereinafter referred to as the “existence or absence and other matters of a violation case”) depending on the details of the whistleblowing disclosure, etc. for which the Executive Vice President in charge has decided to conduct an investigation, and shall make a finding as to the existence or absence and other matters of the violation case based on the results of the investigation.

(2) In conducting the investigation as referred to in the preceding paragraph, the Executive Vice President in charge must grant the person being reported an opportunity to explain.

(3) Before making a finding as referred to in paragraph (1), the Executive Vice President in charge may establish an investigation committee and hear its opinions on the finding.

(4) The whistleblower, the person being reported, and other officers and employees must cooperate with the investigation sincerely.

(Report on Finding, etc.)

Article 7 If the Executive Vice President in charge makes a finding as to the existence or absence

and other matters of a violation case, they promptly report it to the President (or to an Auditor if the President is included in the persons being reported) and notify the whistleblower and the person being reported.

(Obligation of Confidentiality)

Article 8 Officers and employees involved in the process of handling a whistleblowing disclosure, etc. must not leak information on the details of the whistleblowing disclosure, etc. or any other information they have learned in the course of duties. The same applies after they have left their positions.

(Prohibition of Searching for the Whistleblower)

Article 9 Officers and employees of the University must not search for the whistleblower except in unavoidable cases, such as where highly necessary investigations cannot be conducted without identifying the whistleblower.

(Protection of Whistleblowers, etc.)

Article 10 (1) Unless it is found that a whistleblowing disclosure, etc. has been made maliciously, officers and employees of the University must not dismiss, demote, or reduce salary for the whistleblower or otherwise treat the whistleblower in a disadvantageous manner (if the whistleblower works at the University based on a worker dispatch contract, including the termination of the contract or request for replacement of the whistleblower with another dispatched worker; hereinafter the same applies in this Article) merely on the grounds that the whistleblower has made a whistleblowing disclosure, etc.

(2) If it is ascertained that the provisions of Article 8 or the preceding Article have been violated or that dismissal, demotion, reduction of salary, or any other disadvantageous treatment that is prohibited under the provisions of the preceding paragraph has taken place, the Executive Vice President in charge shall take appropriate measures for relief and recovery or order the head of the appropriate division in charge to take appropriate measures for relief and recovery.

(3) Unless there is a sufficient reason, officers and employees of the University must not dismiss, demote, or reduce salary for the person being reported or otherwise treat the person being reported in a disadvantageous manner merely on the grounds that a whistleblowing disclosure, etc. has been made against the person being reported.

(4) If it is confirmed that a particular compliance violation case has not existed, the Executive Vice President in charge takes measures to normalize the performance of duties by the person being reported and other employees and restore their honor, as necessary.

(Measures against Compliance Violation Cases)

Article 11 (1) If a compliance violation case is found or it is found that a whistleblowing disclosure has been made maliciously, and the Executive Vice President in charge finds it necessary to make a disposition or improve the working environment, they shall take necessary measures.

(2) In addition to the measures referred to in the preceding paragraph, legal action, such as filing a criminal accusation or civil lawsuit, may be taken if the compliance violation case that has been found is highly malicious.

(Education and Dissemination of Information)

Article 12 The President shall provide education and disseminate information to officers and employees of the University periodically with regard to the relevant laws and the systems for dealing with whistleblowing disclosures, etc. at the University.

(Assessment and Inspection)

Article 13 The President shall conduct assessment and inspection periodically with regard to the status of development and operation of the systems for handling whistleblowing disclosures, etc. and protecting whistleblowers, and take necessary measures to improve these systems based on the results of the assessment and inspection.

(Disclosure of Operational Status)

Article 14 The President shall disclose the status of operation of the systems for handling whistleblowing disclosures, etc. and protecting whistleblowers among officers and employees of the University to the extent that the disclosure will not hinder the University's performance of its business or the protection of secrets, creditability, reputation, privacy, etc. of the related persons.

(Administrative Affairs)

Article 15 (1) Administrative affairs relevant to whistleblowing disclosures, etc. provided in these Rules are handled by the division in charge and the Audit and Compliance Office.

(2) The Audit and Compliance Office takes overall control of and conducts liaison and coordination for the administrative affairs referred to in the preceding paragraph.

(Auxiliary Provisions)

Article 16 Beyond what is provided in these Rules, necessary matters relevant to the operation, etc. of contact points for reports are specified by the President separately.

Supplementary Provisions

These Rules come into effect as of April 1, 2015.

Supplementary Provisions (Kyushu University Rule No. 110 of 2015)

These Rules come into effect as of April 1, 2016.

Supplementary Provisions (Kyushu University Rule No. 108 of 2016)

These Rules come into effect as of April 1, 2017.

Supplementary Provisions (Kyushu University Rule No. 40 of 2021)

These Rules come into effect as of June 1, 2021.

Supplementary Provisions (Kyushu University Rule No. 66 of 2022)

These Rules come into effect as of April 1, 2023.

Supplementary Provisions (Kyushu University Rule No. 21 of 2024)

These Rules come into effect as of August 1, 2024.