

## Regulations on the Protection of Whistleblowers at Osaka University

\* Please note that this document is a translation of the Japanese version, and should only be used as a reference.

### Chapter I: General Provisions

#### (Purpose)

##### Article 1:

The purpose of these Regulation is to stipulate matters relating to Whistleblowing, including the protection of Whistleblowers and handling of Whistleblower reports at Osaka University (“the University”) pursuant to the Whistleblower Protection Act (Act No. 122 of 2004) (“Protection Act”) in order to provide appropriate protection to Whistleblowers and ensure early detection and correction of misconduct, thereby enhancing the University’s compliance with laws and ordinances and contributing to the sound development of the University.

#### (Definitions)

##### Article 2:

1. The term “Whistleblowing” as used herein shall mean the act of filing a report on a Reportable Fact that has occurred or that is about to occur involving any of the University’s board members, staff members, or agents or other persons associated with or engaged in duties of the University, by any of the staff of the University, including persons working for the University under a temporary employment contract or other similar contract (the same shall apply hereinafter), without any intention of obtaining a wrongful gain or inflicting damage on others, or any other wrongful purpose, to: the University; an administrative agency with the authority to impose a disposition (which shall mean an order, rescission, and any other act involving the exercise of public power; the same shall apply hereinafter) or to make a recommendation (which shall mean any act that does not constitute a disposition; the same shall apply hereinafter); or any person who is recognized as being appropriate for receiving said report to prevent the occurrence of the Reportable Fact or the spread of damage caused thereby (including those who suffer or may suffer damage from said Reportable Fact but excluding those who may threaten the competitive position or any other legitimate interests of the University).
2. The term “Whistleblower” as used herein shall mean any staff member of the University who files a report on alleged misconduct.
3. The term “Reportable Fact” as used herein shall mean any of the following:

- (1) Any criminal offense committed in violation of any of the laws specified in the Schedule appended to the Protection Act (including any order given under any of these laws; the same shall apply in the next Paragraph);
- (2) Any act for which a disposition is imposed under any of the laws specified in the Schedule appended to the Protection Act in the case where a violation of said disposition constitutes a criminal offense stated in the preceding Paragraph (including any act for which another disposition is imposed or a recommendation is made under any of the laws specified in the Schedule appended to the Protection Act in the case where the disposition is due to violation of said other disposition or non-compliance with said recommendation).
4. The term “Accused Person” as used herein shall mean any person accused of having violated, violating or being about to violate any law or ordinance in a Whistleblower report.
5. The term “Division” as used herein shall mean any of the University’s Schools/Faculty and Graduate Schools, University Libraries, University Hospitals, Research Institutes, Joint-Use Facilities, National Joint-Use Facilities, and other relevant organizations of the University.

## Chapter II: Whistleblowing Management System

(General Manager)

Article 3:

1. The University shall have a General Manager responsible for managing and supervising tasks relating to Whistleblowing.
2. The President of the University shall appoint one of the Executive Directors to the post of General Manager.

## Chapter III: Handling of Whistleblower Reports

(Whistle-blowing consultation services)

Article 4:

1. The University shall set up a Whistle-blowing consultation services both in the General Affairs Division of the Department of General Affairs and in an external law firm under contract with the University to receive Whistleblower reports and offer consultations concerning Whistleblowing.
2. The Chief of the Operation Section in the General Affairs Division of the Department of General Affairs and a lawyer of the law firm stated in the preceding Paragraph shall be appointed to take charge of the Whistle-blowing consultation services stated in said Paragraph.

(Filing of Whistleblower Report)

Article 5:

1. Whistleblower reports shall be filed to the Whistle-blowing consultation services by means of telephone, mail, email, facsimile or interview.
2. The Whistle-blowing consultation services may accept Whistleblower reports filed pursuant to the preceding Paragraph only when the Whistleblower has given his or her name, contact information and a description of the Reportable Fact, provided, however, that the Whistle-blowing consultation services may accept a Whistleblower report without the Whistleblower's name and contact information if the absence thereof is deemed justifiable in consideration of the nature of the Reportable Fact stated therein.

(Acceptance of Whistleblower Report)

Article 6:

Upon acceptance of a Whistleblower report, the Whistle-blowing consultation services shall notify the General Manager and then the Whistleblower of the acceptance thereof without delay, provided, however, that the notification to the Whistleblower shall be omitted in the case specified in the proviso of Paragraph 2 of Article 5.

(Whistleblower Report Not Filed to the Whistle-blowing consultation services)

Article 7:

When a staff member of the University who is not in charge of the Whistle-blowing consultation services receives a Whistleblower report, he or she shall immediately inform the Whistle-blowing consultation services of the receipt thereof, and at the same time, advise the Whistleblower to file the report to the Whistle-blowing consultation services.

(Handling of Whistleblower Report)

Article 8:

1. Upon receipt of a Whistleblower report pursuant to Article 6, the General Manager shall consider measures to handle said report.
2. The General Manager shall decide whether to conduct an investigation into the Reportable Fact specified in the Whistleblower report within twenty (20) days after receipt thereof and notify the Whistleblower of the decision via the person in charge of the Whistle-blowing consultation services who received the report. If the General Manager decides not to conduct an investigation, the General Manager shall notify the Whistleblower of the decision along with the reason therefor, provided, however, that the notification to the Whistleblower shall be omitted in the case specified in the proviso of Paragraph 2 of Article 5.

3. When the General Manager has decided to conduct an investigation pursuant to the preceding Paragraph, he or she shall report the decision to the President of the University without delay.
4. The General Manager shall order staff of the Administration Bureau to conduct an investigation stated in Paragraph 2 of this Article, in cooperation with the Office of the General Counsel.

(Investigation)

Article 9:

1. Investigations shall be conducted by requesting the Division subject thereto to provide related information, prove the fact, submit a report and otherwise cooperate with the investigation.
2. Investigations shall be fact-based and conducted fairly and objectively.

(Obligation of Division to Cooperate)

Article 10:

1. The Division and staff of the University subject to an investigation shall actively cooperate with the investigation if so requested.
2. No one shall reject a request for cooperation with the investigation stated in Paragraph 1 of Article 9 without legitimate reason.

(Notification of Investigation Results)

Article 11:

The General Manager shall report the investigation results to the President and notify the Whistleblower thereof via the person in charge of the Whistle-blowing consultation services who received the report, provided, however, that the notification to the Whistleblower shall be omitted in the case specified in the proviso of Paragraph 2 of Article 5.

(Corrective Measures)

Article 12:

1. When the Reportable Fact is found to be true as a result of an investigation, the General Manager shall immediately take corrective measures and other measures necessary to prevent recurrence of the misconduct (“Corrective Measures”) or order the Dean or Director of the relevant Division to take the Corrective Measures.
2. When taking the Corrective Measures ordered pursuant to the preceding Paragraph, the Dean or Director of the relevant Division shall report the details and results of the Corrective Measures to the General Manager.
3. When taking the Corrective Measures pursuant to Paragraph 1 of this Article, or receiving the report pursuant to the preceding Paragraph, the General Manager shall notify the Whistleblower

of the results of the Corrective Measures along with the investigation results stated in Article 11 via the person in charge of the Whistle-blowing consultation services who received the report, and, if necessary, file a report on the investigation and Corrective Measures to the relevant administrative agency, provided, however, that the notification to the Whistleblower shall be omitted in the case specified in the proviso of Paragraph 2 of Article 5.

(Report to the Auditors)

Article 13:

When filing a report to the President pursuant to Paragraph 3 of Article 8 and Article 11, the General Manager shall also file the same report to the Auditors.

#### Chapter IV: Obligations of Parties Concerned

(Consideration for the Accused Person)

Article 14:

When notifying a Whistleblower pursuant to Article 11 and Paragraph 3 of Article 12 hereof, the General Manager shall take care not to defame the Accused Person or any person cooperating with a Whistleblowing investigation, invade their privacy, or otherwise prejudice their interests.

(Obligation of the Persons in Charge of the Whistle-blowing consultation services)

Article 15:

The persons in charge of the Whistle-blowing consultation services and any person involved in a Whistleblowing investigation, whether currently or in the past, shall not divulge to any third party any confidential information acquired in the course of their duties pertaining to Whistleblowing.

(Prohibition of Inappropriate Whistleblowing)

Article 16:

Whistleblowers shall not file false reports, or blow the whistle for the purpose of defaming or slandering the University or any person, or for any other wrongful purpose.

#### Chapter V: Protection of Whistleblowers

(Prohibition of Dismissal)

Article 17:

The University shall not dismiss any of its staff (or terminate a temporary employment contract or other similar contract with anyone if he or she works for the University under said contract) for the

reason of blowing the whistle under Article 3 of the Protection Act, or for consulting about Whistleblowing (“Involvement in Whistleblowing”).

(Prohibition of Disadvantageous Treatment)

Article 18:

None of the board and staff members of the University shall treat anyone in a disadvantageous manner for the reason of their Involvement in Whistleblowing.

#### Chapter VI: Other Provisions

(Handling of Report that Does Not Constitute Whistleblowing)

Article 19:

These Regulations shall apply mutatis mutandis to reports on misconduct filed by any person other than the staff of the University.

(Other Regulations of the University)

Article 20:

The provisions of these Regulations shall not preclude the application of different provisions of other Regulations of the University on the investigation and/or Corrective Measures specified herein, if any.

(Miscellaneous Provision)

Article 21:

Matters relating to the application of these Regulations not specified herein shall be set forth separately.

Supplementary Provision

These Regulations shall come into effect on April 15, 2015.

Supplementary Provision

These Regulations as amended shall come into effect on April 1, 2016.

Supplementary Provision

These Regulations as amended shall come into effect on December 1, 2016.