

National University Corporation Osaka University Regulations
on investigation into the Misuse of Public Research Funds

(Purpose)

Article 1:

These Regulations stipulate the requirements necessary relating to investigation into the misuse or alleged misuse of Public Research Funds at Osaka University (hereinafter referred to as the “University”).

(Definitions)

Article 2:

1. “Public Research Funds” shall mean all the funds handled by the University, sourced from the management expenses grants, donations, subsidies, and commissions.
2. The term “Researchers” shall mean any of the University staff and other persons involved in the administration and management of Public Research Funds of the University.
3. The term “Misuse” shall mean the use of Public Research Funds for purposes other than originally intended, whether deliberately or by gross negligence, or the use thereof in violation of any of the regulations of the University, laws, ordinances, and grant and distribution conditions of competitive and other funds.

(Reporting misuse)

Article 3:

1. The Compliance Hotline Service shall be available at the Administration Bureau pursuant to Paragraph 2 of Article 22 of National University Corporation Osaka University Regulations Pertaining to Public Research Funds (“Compliance Hotline Service”), shall be provided at the Audit Office.
2. Anyone who has detected Misuse (including alleged Misuse; the same shall apply to Articles 3, 4, 5 and 6) shall submit a report or provide information thereon (“Reporting misuse”) to the Compliance Hotline Service stated in the preceding Paragraph.
3. The provision of the preceding Paragraph shall apply also when the Audit Office or the Office for the Proper Usage of Research Grants has detected Misuse in the course of its regular operations.
4. In principle, the Compliance Hotline Service shall accept a Misuse Report only when the report states the name, affiliation, address and other information of the person who has submitted it (“Whistleblower”), as well as the nature and details of the Misuse of public research funds by the researchers and etc. Any Whistleblower may request that his or her name be kept anonymous

in the investigation that follows. In this case, notifications and reports to be given to the Whistleblower hereunder shall be given through the Compliance Hotline Service.

5. The Compliance Hotline Service may accept an anonymous Misuse Report only when the nature and details of the Misuse alleged to have been committed by Researchers are stated therein and said report is considered to have a reasonable level of credibility supported by an evidential document attached therewith or any other evidential material. In this case, notifying and reporting to the Whistleblower hereunder shall be omitted.

(Submission of Misuse Report)

Article 4:

1. When a Misuse Report is submitted to the Compliance Hotline Service, the person in charge shall notify the General Operating Officer, and the General Operating Officer shall notify the President thereof without delay.
2. If the President deems it necessary to conduct a preliminary investigation into the case specified in the Misuse Report submitted pursuant to the preceding Paragraph, the President may instruct the Director of the relevant Division or any other person acting on behalf thereof (“Division Director”) to conduct a preliminary investigation.
3. The Division Director who has been instructed to conduct a preliminary investigation by the President shall investigate the credibility of the claim stated in the Misuse Report and notify the President of the results of the investigation within fourteen (14) days after the date when said instruction was given.
4. Upon receiving the notification stated in Paragraphs 1 and 3 above, the President shall decide whether to initiate an investigation or not in consideration of the reasonableness of the claim stated in the Misuse Report and shall notify the relevant organization of said decision within thirty (30) days after the date when the Misuse Report was submitted.
5. The provisions of the preceding paragraphs of this Article shall apply also when an allegation of Misuse is raised by the press, the Board of Audit of Japan, or any other external organization.
6. If the President decides to initiate an investigation pursuant to Paragraph 4 or Paragraph 5 of this Article, the President shall notify the Whistleblower of the decision, and if the President decides not to initiate an investigation, the President shall notify the Whistleblower of the decision together with the reason thereof.

(Investigation Committee)

Article 5:

1. If the President decides to initiate an investigation pursuant to Paragraph 6 of Article 4, the President shall set up a committee to investigate the Misuse of Public Research Funds

("Committee") and shall have the Committee investigate the case without delay.

2. The Committee shall consist of:
 - (1) A person appointed by the President, selected from among Executive Directors
 - (2) A few persons appointed by the chairperson of the Committee, selected from among academic staff of the University
 - (3) A few persons appointed by the chairperson of the Committee, selected from among the Directors and Heads of the Administration Bureau and the Directors and Heads of the Administrative Departments of Divisions
 - (4) A few non-University staff members, such as a lawyer and a certified public accountant
 - (5) A few other persons deemed necessary by the chairperson of the Committee
3. The Committee members stated in Item (4) of the preceding Paragraph shall be selected from among persons who have no relationship of interest with the University, the Whistleblower and the Researcher alleged to have committed the Misuse.
4. The Committee member stated in Item (1) of Paragraph 2 shall serve as the chairperson of the Committee.
5. The Committee members stated in Items (2) to (5) of Paragraph 2 shall be appointed by the chairperson.

(Confidentiality Obligation)

Article 6:

The Committee members and other persons involved in the investigation into Misuse hereunder shall not disclose to any third party the information that becomes known to them in the course of their official duties.

(Investigation)

Article 7:

1. The Committee shall investigate the allegation of Misuse, details of the allegation, person(s) involved in the Misuse, the degree of involvement therein, the amount of money spent thereon and other relevant matters ("Facts about Misuse").
2. In conducting an investigation, the Committee shall report to the relevant organization the policy, subject and method of the investigation or consult with the relevant organization thereon.
3. The Committee may request the Researcher subject to the investigation ("Researcher under Investigation") to submit materials necessary for the investigation, prove facts, appear at hearings, and otherwise cooperate with the investigation.
4. The Committee may instruct the relevant Division Director to cooperate with the investigation and otherwise take appropriate action.

5. The Committee may order the Researcher under Investigation to suspend the use of the Public Research Fund provided under the program subject to the investigation, as appropriate.
6. The Whistleblower shall be protected from disadvantageous treatment in terms of personnel evaluation, salary, research or education, by reason of having cooperated with an investigation into the allegation submitted by him or her.
7. Anyone who deals with a Misuse Report shall give due consideration to protecting the honor and privacy of the Whistleblower, Researcher under Investigation, and other persons who cooperate with the investigation.

(Cooperation with Investigation)

Article 8:

1. The Researcher under Investigation shall cooperate with a fact-finding investigation conducted by the Committee and shall not make any false statement.
2. The provision of the preceding Paragraph shall apply even after the Researcher under Investigation leaves the University.

(Hearing of Opinions)

Article 9:

1. The Committee shall notify the Researcher under Investigation of the findings of the investigation and ask him or her to present an opinion thereon prior to making a conclusion on the Facts about Misuse.
2. In principle, the Researcher under Investigation shall be entitled to present an opinion on the findings of the investigation within fourteen (14) days after the date when he or she is notified thereof pursuant to the preceding Paragraph, provided, however, that this period may be extended if deemed necessary by the Committee.
3. If the Researcher under Investigation presents an opinion on the findings of the investigation or expresses his or her intention not to present any opinion thereon pursuant to the preceding Paragraph, the Committee may make a conclusion stated in Article 10 even before the period for presenting an opinion elapses.

(Conclusion)

Article 10:

1. The Committee shall make a conclusion on the Facts of Misuse based on the findings of the investigation and report the Results of the Investigation (including the conclusion; the same shall apply hereunder) to the President.
2. The President shall notify the Researcher under Investigation of the Results of the Investigation

based on the report given under the preceding Paragraph.

(Formal Objection)

Article 11:

1. The Researcher under Investigation may file an appeal against the conclusion to the President within fourteen (14) days after the date when he or she is notified of the Results of the Investigation pursuant to Paragraph 2 of Article 10.
2. Upon receipt of an appeal against the conclusion pursuant to the preceding Paragraph, the President may instruct the Committee to conduct a reinvestigation at his or her discretion. In this case, if the basis of the appeal is bias on the part of the Committee, including, but not limited to, a bias in the membership of the Committee, the President may change members of the Committee at his or her discretion.
3. The Committee shall conduct a reinvestigation without delay if instructed to do so pursuant to the preceding Paragraph, and report the results thereof to the President.
4. The President shall decide whether to accept or reject the appeal based on the report given by the Committee pursuant to the preceding Paragraph, and notify the appellant and the Committee of the decision.
5. If the President decides not to conduct a reinvestigation, the President shall notify the appellant and the Committee of the decision along with the reason thereof.
6. The Appellant shall not file another appeal against the decision made by the President pursuant to Paragraph 4 or Paragraph 5 above.

(Report on Results of Investigation)

Article 12:

If the Researcher under Investigation has not filed an appeal upon receipt of the Results of the Investigation stated in Article 10 and the conclusion has been finalized accordingly, or if the President has made a decision stated in Paragraph 4 or 5 of Article 11 in response to an appeal filed pursuant to Paragraph 2 of Article 11, the chairperson of the Committee shall prepare a final written report and submit it along with reference materials to the President without delay.

(Measures to be taken)

Article 13:

1. The President shall notify the Whistleblower, Researcher under Investigation, and relevant Division Director of the Results of the Investigation based on the final written report stated in Article 12, and submit to the relevant organization a written report on: the cause of the Misuse; the situation in which the University manages and audits Public Research Funds that are

provided under programs not subject to the investigation and that are used by the Researcher involved in the Misuse; measures to prevent recurrence of Misuse; disciplinary policy for persons responsible for Misuse; and other relevant matters, within two hundred and ten (210) days after the date when the Misuse Report is accepted, in principle.

2. Even if an investigation has not been completed within said period, the President shall submit an interim report on the investigation to the relevant organization.
3. When Misuse is confirmed, even if only in part, before completion of an investigation, the President shall immediately make a conclusion to that effect and report to the relevant organization thereon without delay.
4. Even if an investigation is not completed, the President shall report the progress of the investigation or submit an interim report thereon to the relevant organization if so requested by said organization, as well as in the circumstances stated in Paragraphs 1, 2 and 3 above.
5. The President shall submit materials concerning the Misuse to the relevant organization or allow the relevant organization to inspect the materials or conduct an on-site investigation into the Misuse if so requested by said organization, except where doing so might hinder the ongoing investigation or there is any other justifiable reason.
6. If the relevant organization orders the misused Public Research Funds to be repaid after examining the report or findings of the investigation stated in Paragraphs 1 to 5 above, the President shall have the Researcher under Investigation repay the amount thereof.
7. Legal action shall be taken against Misuse of a highly malicious nature, including, but not limited to, Misuse for private purposes, as appropriate.
8. When a conclusion is reached as a result of examining any of the reports stated in Article 12 that Misuse has not been committed, the President shall take measures to prevent the Whistleblower and the Researcher under Investigation from suffering any disadvantage as appropriate.

(Disclosure of Results of Investigation)

Article 14:

1. When a conclusion is reached that Misuse has been committed, the President shall disclose the Results of Investigation without delay besides taking the measures stipulated in Article 13, except where there is a justifiable reason for not disclosing them. In principle, the name of the Researcher who committed the Misuse shall be made public, along with other relevant information except where non-disclosure is deemed necessary.
2. If the information of Misuse under investigation is leaked from the University or the Misuse is so serious that it has a large influence on society, the President may make public the progress of the investigation before the completion thereof as an interim report as appropriate.

(Administrative Work of the Committee)

Article 15:

The administrative work relating to the Committee shall be carried out by the Audit Office and the Office for the Proper Usage of Research Grants with the cooperation of the departments of the Administration Bureau and the Administration Departments of the relevant Divisions.

(Miscellaneous Provision)

Article 16:

Matters relating to the procedures of investigations into Misuse of Public Research Funds not specified herein shall be set forth separately.

Supplementary Provision

These Regulations shall come into effect on July 16, 2008.

Supplementary Provision

1. These Regulations as amended shall come into effect on January 31, 2012.
2. Misuse reported before the enforcement of these Regulations, as amended, shall be handled pursuant to the provisions then in force, provided, however, that when disclosing the results of investigation into Misuse committed on or after April 1, 2011, the provision of Paragraph 1 of Article 14 of these Regulations as amended shall apply.

Supplementary Provision

These Regulations as amended shall come into effect on March 19, 2013.

Supplementary Provision

These Regulations as amended shall come into effect on April 1, 2014.

Supplementary Provision

1. These Regulations as amended shall come into effect on March 17, 2015.
2. A Misuse Report accepted before the enforcement of these Regulations, as amended, shall be handled pursuant to the provisions then in force.

Supplementary Provision

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