

○ **Regulations Regarding the Operation of the Reporting System for Misconduct Pertaining to Public Research Funds, Etc.**

Regulation 920

Partially revised April 1, 2015, April 1, 2016,

June 29, 2022, June 21, 2023

Purpose

Article 1.

1. The purpose of these Regulations is to stipulate the way to operate the system for receiving and handling reports from within and outside of the University (hereinafter, "Report(s)") in accordance with Article 17 of the Hosei University Guidelines for Preventing Misconduct Relating to Public Research Funds, Etc. (hereinafter, "Guidelines").
2. The interpretation of terms not defined in this regulation shall be in accordance with the definitions in the Guidelines.

Contact Point for Receiving Reports

Article 2.

1. The contact point for receiving Reports shall be a lawyer designated by the Audit Office and the President (hereinafter, "Lawyer").
2. The head of the Audit Office shall be the person in charge of the contact point for the receipt of reports. Provided, however, that one of the Auditors shall be responsible for reports on misuse, etc. by Executive Trustees. In this case, the responsible person shall be elected by the Auditors from among themselves.
3. Upon receipt of a Report, the Lawyer shall notify the Audit Office of the content of the Report.
4. Upon receipt of a Report, the Audit Office shall promptly notify the whistleblower in writing that the Report has been received. As for Reports received by the Lawyer, the Lawyer shall promptly notify the whistleblower in writing that the Report has been received. Provided, however, that if the report is made anonymously, it may not be possible to notify the Informant or to make other notifications as stipulated in this regulation.

System for Receiving Reports and Consultations

Article 3.

1. Anyone having a concern or suspicion about possible misuse of public research funds, etc. may report such concern or suspicion to either of the contact points in writing, via facsimile, electronic mail, or telephone, or in person.
2. Whistleblowers must, in principle, provide their name when reporting.

3. A person who have a concern or suspicion of misuse, etc. may consult or ask questions about the system for handling reports and disadvantageous treatment of the whistleblower to the whistleblower contact point.

Making Efforts to Report

Article 4. Whenever the Board of Directors, faculty and staff of the University (including those who have an employment relationship with the University under any name), temporary workers and workers of subcontractors working at the University's facilities, and graduate students, undergraduate students enrolled at the University and students enrolled at the affiliated schools (hereinafter collectively referred to as "faculty, staff, etc.") determine that misuse, etc. has occurred or is likely to occur, they shall endeavor to correct and prevent such misuse, etc. by reporting it to the Reporting Desk, regardless of their involvement.

Reporting in Good Faith

Article 5.

1. A Whistleblower shall not make a false report, a report for personal gain, a report for the purpose of personal grudge or slander, or any other report that lacks integrity (hereinafter referred to as "Unjustified Reporting").

Definition of Employees

Article 6.

1. The General Management Officer shall appoint a person who is engaged in receiving, investigating, and taking corrective actions in whole or in part (hereinafter referred to as "Whistleblower Response Services") for a case that falls under internal whistleblowing as defined in the Whistleblower Protection Act among the whistleblowing provided for in this regulation, and who is to be informed of the matters that identify the Whistleblower with respect to such Whistleblower Response Services. The person who is engaged in all or a part of the work of receiving, investigating and correcting cases of internal whistleblowing as defined in the Whistleblower Protection Act (hereinafter referred to as "Whistleblower Response Work") and who is informed of the matters that identify the whistleblower in relation to such work is designated as a person engaged in Whistleblower Response Work (hereinafter referred to as "Worker") as defined in Article 11, paragraph 1 of the said Act.

2. When the General Management Officer designates an employee in accordance with the preceding paragraph, he/she shall notify the relevant employee to that effect in writing or otherwise, and shall also notify him/her of his/her responsibilities regarding confidentiality and any other necessary matters.

Elimination of Conflicts of Interests

Article 7. The General Management Officer shall not allow any person who may hinder the fairness of the Whistleblower Response Service, or any other person who is related to the reported case, to be involved in the Whistleblower Response Service.

Investigation of Misuse

Article 8. Investigation of misuse of public research funds, etc. conducted in accordance with these Regulations shall comprise preliminary investigation, formal investigation, and reinvestigation.

Person responsible for the investigation

Article 9. The person in charge of the investigation under the preceding article shall be the General Management Officer.

Preparation for Preliminary Investigation

Article 10.

1. Upon receipt of a report or upon being notified by a lawyer that a report has been received, the Audit Office shall immediately begin an investigation of the facts, including an inquiry to the whistleblower (to confirm the content of the report) and the collection of evidence, as a preliminary measure to a preliminary investigation. In this case, the Audit Office may request the cooperation of the relevant departments in the investigation.
2. The Audit Office shall report the facts collected pursuant to the preceding paragraph to the Head Administrative Officer, the General Management Officer, and the Compliance Promotion Officer.

Preliminary Investigation

Article 11.

1. Preliminary investigation shall be conducted in any of the following cases:
 - (1) if a Report or whistleblowing is received;
 - (2) If the Head Administrative Officer determines that the content of the report or accusation is likely to fall under any of the disciplinary grounds stipulated in Article 47 of the University's Faculty Employment Regulations or Article 74 of the Staff Employment Regulations, or if the Head Administrative Officer determines that this investigation is necessary.
 - (3) if, regardless of whether reported by a whistleblower or not, the Head Administrative Officer recognizes the possible existence of misuse based on highly reliable information and orders the implementation of preliminary investigation.
2. The Head Administrative Officer shall form a Preliminary Investigation Committee made up of

persons suitable for the investigation of a particular case of misuse reported that has become subject to the preliminary investigation (hereinafter, "Investigation Case").

3. The Preliminary Investigation Committee shall investigate whether the misuse, etc. reported actually exists or not based on documents concerning the Report (including the document in which the content of the Report is recorded) and interviews with the whistleblowers and others.

4. The Preliminary Investigation Committee may interview the researcher who is suspected of misuse and has become subject to the investigation (hereinafter, "Researcher Subject to Investigation") and other persons concerned when deemed necessary.

5. The Preliminary Investigation Committee shall report the results of the preliminary investigation to the Head Administrative Officer.

6. The Head Administrative Officer shall decide whether a formal investigation is necessary or not based on the results of the preliminary investigation reported pursuant to the preceding paragraph.

7. The Head Administrative Officer shall notify the decision made under the preceding paragraph to the fund-distributing agency relevant to the Investigation Case.

8. A decision on the necessity of formal investigation under Paragraph 6 hereof shall be made, and reporting to the fund-distributing agency under the preceding paragraph shall be completed, within thirty (30) days after the date on which the Report is received for cases to which Paragraph 1, Item (1) or (2) hereof is applicable, or from the date on which the Head Administrative Officer recognizes the possible existence of misuse, etc. for cases to which Paragraph 1, Item (3) hereof is applicable.

Alternative to Preliminary Investigation

Article 12.

1. If from the results of audit conducted pursuant to Article 25 of the Hosei University Guidelines for Preventing Misconduct Relating to Public Research Funds, Etc. the Head Administrative Officer recognizes the high possibility of the existence of misuse, the Head Administrative Officer may regard the audit as a preliminary investigation and decide the necessity of formal investigation.

2. The Head Administrative Officer shall notify the decision made under the preceding paragraph to the fund-distributing agency relevant to the case for which the audit (as an alternative to preliminary investigation) was conducted.

3. A decision on the necessity of formal investigation under Paragraph 1 hereof shall be made, and reporting to the fund-distributing agency under the preceding paragraph shall be completed, within thirty (30) days after the date on which the Head Administrative Officer receives the results of audit which the Head Administrative Officer decides to regard as an alternative to preliminary investigation pursuant to Paragraph 1 hereof.

Obligation to Cooperate with Investigation

Article 13. The Researcher Subject to Investigation shall assume an obligation to cooperate with the Preliminary Investigation Committee and the Investigation Committee as specified in the following article (and the Reinvestigation Committee if formed) as well as an obligation to actively tell the truth.

Investigation Committee

Article 14. 1. Upon making a decision to implement formal investigation pursuant to Article 11, Paragraph 6 or Article 12, Paragraph 1 hereof, the Head Administrative Officer shall promptly start formal investigation.

2. The Head Administrative Officer shall form a committee to conduct formal investigation (hereinafter, "Investigation Committee").

3. The Investigation Committee shall be made up of:

- (1) General Management Officer;
- (2) One or more faculty members appointed by the Head Administrative Officer;
- (3) Head of the Audit Office, Director of the General Administration Division;
- (4) One or more third parties (lawyer, certified public accountant, etc.) who do not belong to the university appointed by the Head Administrative Officer; and
- (5) One or more others appointed by the Head Administrative Officer as necessary.

4. The committee members as listed in Item 4 of the preceding paragraph shall have no direct interest in the University, the whistleblower, and the Researcher Subject to Investigation. In addition, the committee members other than those stipulated in the above item 4 must not be appointed who are related to the case under investigation or who may impede the implementation of a fair investigation.

5. The member specified in Paragraph 3 Item 1 hereof shall chair the committee.

Notice of Establishment of Investigation Committee, etc.

Article 15.

1. When the Investigation Committee is established, the Head Administrative Officer shall notify the whistleblower and the Investigating Party in writing of the establishment of the Investigation Committee, the names and affiliations of the members of the Investigation Committee, and the content of the investigation.

2. The whistleblower or the person subject to investigation who has received the notification in the preceding paragraph may file an objection in writing with the Head Administrative Officer within seven (7) days from the date of receipt of the notification.

3. Upon receiving an objection, the Head Administrative Officer shall examine the contents of the objection and, if the Head Administrative Officer determines that the contents are appropriate, shall

replace the member of the Investigation Committee to which the objection relates and notify the whistleblower and the subject of the investigation to that effect.

Implementation of Formal Investigation

Article 16.

1. The Investigation Committee shall investigate such matters as the existence and details of misuse, etc., the persons involved and their levels of involvement, and the amount of money misused.
2. The Investigation Committee shall notify and discuss in advance the policy, subject, method and other necessary matters concerning the formal investigation with the fund-distributing agency relevant to the Investigation Case.
3. The Investigation Committee may request the whistleblower, Researcher Subject to Investigation, and/or others concerned with the Investigation Case (hereinafter collectively referred to as "Concerned Parties") to submit related materials, prove facts, accept interviews, and/or other matters necessary for the formal investigation.
4. The Investigation Committee shall pay attention to the confidentiality, credibility, honor, and privacy of the whistleblower and Concerned Parties.
5. The Investigation Committee shall determine the case as misuse promptly when identifying even a part of misconduct in the middle of the formal investigation and report it to the Executive Council. The Head Administrative Officer shall also report it to the fund-distributing agency.
6. The Investigation Committee shall submit a report containing such information as the results of investigation, causes of the misuse, the status of the management and audit system in place for other public research funds used by persons involved in the misuse, and recurrence prevention plan to the Head Administrative Officer within one hundred and eighty (180) days after the date on which the Report is received. However, if the investigation is not completed by the deadline, an interim report of the investigation shall be made.

Opportunity of Explanation for the Researcher Subject to Investigation

Article 17. The Investigation Committee shall provide the Researcher Subject to Investigation with an opportunity of explanation, in writing and/or verbally, before determining whether or not misuse, etc. has been committed.

Decision of Whether or Not Misuse Has Been Committed

Article 18.

1. Based on the results of this investigation, the Investigation Committee shall certify the existence or non-existence of misconduct and the details of the misconduct, the persons involved and the degree of their involvement, and the equivalent amount of the misappropriation of the public

research funds.

2. The Investigation Committee shall report the results of the preceding paragraph to the Chief Administrative Officer.
3. The Head Administrative Officer shall notify in writing the decision made under the preceding paragraph to the whistleblower and the Researcher Subject to Investigation.

Investigation by an External Organization

Article 19. If the existence of misuse, etc. is recognized evidently as the result of reliable investigation conducted by an external organization, the Head Administrative Officer may treat the conclusion of such investigation as that of formal investigation.

Objection

Article 20.

1. The Researcher Subject to Investigation and the whistleblower may raise an objection to the decision made by the Head Administrative Officer under Article 18 hereof.
2. When raising an objection, the Researcher Subject to Investigation and the whistleblower must submit a completed prescribed objection form together with evidence proving the grounds of their objection (hereinafter, "Written Objection, Etc.") to the Head Administrative Officer. The whistleblower shall submit the Written Objection, Etc. through either of the contact points for receiving Reports.
3. Objection must be made within fourteen (14) days after the date on which the decision is notified by the Head Administrative Officer under Article 18, Paragraph 3 hereof.
4. The Head Administrative Officer shall accept the Written Objection, Etc. after confirming that the Written Objection, Etc. submitted is complete with all the necessary information provided.
5. In addition to the above items of this article, the Head Administrative Officer may stipulate other requirements for objection as necessary.

Reinvestigation

Article 21.

1. Upon accepting the Written Objection, Etc. under Article 18, Paragraph 4, the Head Administrative Officer shall promptly start reinvestigation as defined in the next paragraph.
2. The review of objections (hereinafter referred to as "Reinvestigation") shall be conducted by the Investigation Committee. When a new judgment requiring expertise is needed, the Head Administrative Officer shall replace or add a member of the Investigation Committee, or have another person examine the complaint in place of the Investigation Committee. However, this shall not apply when the Head Administrative Officer finds no justifiable reason for changing the

composition of the Investigation Committee.

3. The provisions from Article 16 to Article 18 shall be applied *mutatis mutandis* for reinvestigation. The Reinvestigation Committee may adopt any undeniable facts discovered during the formal investigation again as evidence for reinvestigation of the same case when deemed necessary.
4. The Reinvestigation Committee shall submit a report on the results of reinvestigation to the Head Administrative Officer promptly.
5. The whistleblower and the Researcher Subject to Investigation may not make an objection again to the decision made by the Head Administrative Officer based on the reinvestigation.

Suspension of the Execution of the Public Research Fund for the Researcher Subject to Investigation **Article 22.**

1. If any fact from which it seems very likely that the Researcher Subject to Investigation is involved in misconduct is revealed in the course of investigation, the investigation committee will order the subject of the investigation to temporarily suspend the execution of the public research funds, etc., based on a decision by the Executive Council.
2. The utilization of the applicable public research fund, etc. may be resumed only through a formal decision by the University.
3. The Researcher Subject to Investigation shall be responsible for delay or any other harm to his/her research that may be caused by the suspension of the utilization of the applicable public research fund, etc.

Response to and Measures Taken Against misconducts Identified

Article 23.

1. The Head Administrative Officer shall submit the final report of the results of formal investigation (and reinvestigation when conducted) to the fund-distributing agency relevant to the Investigation Case within two hundred and ten (210) days after the date on which the Report is received (the same starting date of computation as stipulated in Article 11, Paragraph 8) or the date on which the Head Administrative Officer receives the results of audit (the same starting date of computation as stipulated in Article 12, Paragraph 3). The report submitted hereunder shall contain the following information:

- (1) Result of the investigation
- (2) Causes of the misconduct
- (3) Status of management and audit systems for other public research funds, etc., involving persons involved in the misconduct
- (4) Recurrence prevention plan, etc.
- (5) Other information as deemed necessary by the Head Administrative Officer

2. The Investigation committee shall determine the case as misuse promptly when identifying even a part of misuse, etc. in the middle of the formal investigation and report it to the Head Administrative Officer.
3. Based on the report in the preceding paragraph, the Head Administrative Officer shall report to the fund-distributing agency in paragraph 1.
4. In addition to the requirement in the preceding three Paragraphs above, the Head Administrative Officer shall also make a progress report or interim report of the formal investigation upon request from the fund-distributing agency relevant to the Investigation Case.
5. In addition to the requirement in the preceding four Paragraph above, the Head Administrative Officer shall also submit to the fund-distributing agency or allow it to access to information on the formal investigation, or accept its on-the-spot investigation, upon request from the fund-distributing agency, unless there is a justifiable reason such as an obstacle to the investigation.

Notification of the result of the investigation

Article 24.

1. The Head Administrative Officer shall notify the whistleblower and the subject of the investigation of the contents of the report under Article 33, Paragraph 1, giving due consideration to the protection of the confidentiality, credibility, honor, and privacy of the whistleblower, the subject of the investigation, and any other persons concerned.

Protection of whistleblower

Article 25.

1. The University and its faculty and staff, etc. shall not dismiss, terminate the worker dispatch contract, or otherwise treat in a disadvantageous manner (including, but without limitation, demotion, pay cut, replacement with another dispatched worker, and claims for damages, etc.) Faculty and Staff, etc. who provided whistleblowing information for the reason of their whistleblowing.
2. The University and its faculty and staff shall not treat reports from persons other than faculty and staff in a disadvantageous manner, such as suspending business transactions or demanding compensation for damages, because of the fact that such reports have been made.
3. In the case where a complaint is received from a member of Faculty and Staff, etc. who provided whistleblowing information that he/she has been or is being treated disadvantageously, the Audit Office shall investigate the facts of the complaint together with the relevant department(s) and report the results to the Head Administrative Officer.
4. If, as a result of the investigation set forth in the preceding paragraph, the University confirms the disadvantageous treatment stipulated in paragraph (1) or (2), the University shall have the offender

discontinue the treatment or, to the extent possible, retroactively eliminate it, and shall consider disciplinary or other actions against the offender.

Confidentiality Obligations of Persons Involved in the Investigation, etc. **Article 26.**

1. The whistleblower contact point and members of the Investigation Committee shall not disclose the name or any other personally identifiable information on whistleblowers to others except when such disclosure is required for investigation of and response to Reports. The same shall apply even after the person ceases to be a faculty member, staff member, etc. or a member of the Investigation Committee.
2. All the persons involved in dealing with a particular Report, including the members of the Audit Office and cooperating departments, shall not disclose information on the content of the Report and the details of investigation to others except when such disclosure is required for investigation of and response to the Report. This requirement shall survive even after the persons leave their current office or department or the University.

Confidentiality of Whistleblowers, etc.

Article 27. Neither the whistleblower nor the subject of the investigation shall disclose to any third party without just cause the results of the investigation notified by the University, the facts of the investigation, the content of questions, the content of answers, or any other information obtained through the investigation.

Prohibition of Obstruction of Whistleblowing and Investigation

Article 28. The faculty member or staff member shall not do any of the following

- (1) Damage, conceal, falsify, or otherwise impede the investigation of the content of a report
- (2) Any act that prevents a person from reporting to the Contact Point.
- (3) Attempts to identify the whistleblower without justifiable reason.

Response to Violations of Confidentiality Obligations, etc.

Article 29. In the event that a violation of Articles 26 through 28 is confirmed, the University will have the offender cease the conduct or, to the extent possible, retroactively eliminate it, and if the offender is a faculty member or staff member, the University will consider disciplinary action in accordance with the prescribed procedures in accordance with internal regulations. The same shall apply to board members.

Development and Transparent Operation of Disciplinary Regulations

Article 30.

1. Any person who has committed misconduct in the management of public research funds, etc. or who has been involved in an improper transaction(s) using public research funds, etc. shall be subject to the disciplinary provisions of the University Faculty Employment Rules or of the University Staff Employment Rules.
2. The stipulation of the preceding paragraph shall also apply to the faculty and staff of the University who violate these Regulations. The same shall apply to board members.

Publication of Investigation Results

Article 31. Upon recognizing the existence of misuse, etc., the Head Administrative Officer shall publish the case within and/or outside the University, as the case may be, depending on the disciplinary punishment given in accordance with Article 48 of the University Faculty Employment Rules or Article 74 of the University Staff Employment Rules. The information to be published shall include the name(s) and affiliation(s) of the person(s) involved in the misconduct, details of the misconduct committed, the measures taken by the University before the publication of the case, the names and affiliations of the members of the Investigation Committee, and investigation method and procedure adopted. The name(s), affiliation(s) and other information on the person(s) involved in the misconduct may be kept non-disclosed if a reasonable reason exists.

Order for Refund Issued Pertaining to Public Research Funds, Etc.

Article 32. When the University is ordered by a fund-distributing agency to return the portion of a public research fund, etc. misused as the result of reporting to the agency done pursuant to Article 23 (hereinafter, "Refund"), the Head Administrative Officer may collect a part or the whole of the Refund from the Researcher Subject to Investigation when deemed necessary. In the case where there is any extra money that the University is ordered by the agency to pay in addition to the Refund, such extra money may also be collected from the Researcher Subject to Investigation.

Measures to Be Taken by the University

Article 33.

1. When no objection under Article 20, Paragraph 1 hereof is made, or when the decision on the existence of misuse, etc. is made based on the results of reinvestigation pursuant to Article 21, the Head Administrative Officer shall notify the conclusion in the Investigation Case to the Executive Council.
2. When the Head Administrative Officer recognizes that there has been misuse, etc., he/she shall promptly take corrective measures and measures to prevent recurrence. If it is confirmed that the corrective measures and recurrence prevention measures are not functioning properly, the Head

Administrative Officer shall take the necessary measures again.

3. The Head Administrative Officer shall notify the whistleblower of the case of the corrective measures taken in the preceding paragraph and measures to prevent recurrence of such a case.

4. Should a public research fund, etc. be found to have been misused, etc. for personal purposes or with other highly malicious intent, the Head Administrative Officer shall take legal action when deemed necessary.

5. In the case where it is determined that no misuse, etc. has been committed, the Head Administrative Officer shall take measures as necessary to protect the whistleblower, Researcher Subject to Investigation, and other concerned parties from receiving detrimental treatment.

Measures against Business Operators Involved in Misconduct

Article 34.

1. In the case where it is determined that misuse, etc. has been committed and when a business operator(s) is found to have been involved in the misuse, the Head Administrative Officer shall claim damages against the business operator(s) and suspend transactions for a certain period of time depending on the nature of the misuse.

2. The period of time during which transactions are suspended under the preceding paragraph shall be decided by the Head Administrative Officer by taking into consideration the period of disqualification from applying for public research funds, etc. imposed by the relevant fund-distributing agency against researchers who have committed misuse, etc. of the same nature.

Education and Awareness

Article 35. The General Management Officer, who is responsible for responding to whistleblowing, shall educate and inform the faculty members and other staff members about the whistleblowing response system of the Corporation.

Disclosure of Operational Result

Article 36. The General Management Officer, who is responsible for responding to whistleblowing, shall disclose to the board members, faculty members and other staff members of the corporation a summary of the operational results concerning the whistle-blowing received at the whistle-blowing desk, to the extent that it does not hinder the proper execution of duties and the protection of confidentiality, trust, honor, privacy, etc. of interested parties.

Filing of Related Documents

Article 37. The Audit Office shall keep records and other related documents concerning investigation conducted by the committees pursuant to Articles 11, 16, and 21 in accordance with the

Document Management Regulations.

Revision and Abolition of these Regulations

Article 38. These Regulations may be revised or abolished based on the Rules on Administrative Authority.

Supplementary Provisions:

1. These Regulations shall be enforced on April 1, 2007.
2. These Regulations shall be enforced on April 1, 2015, after partial revision.
3. These Regulations shall be enforced on April 1, 2016, after partial revision.
4. These Regulations shall be enforced on June 29, 2022, after partial revision.
5. These Regulations shall be enforced on June 21, 2023, after partial revision.

Report on the Misuse of Research Funds

Letter of objection to the result of finding of misuse of public research funds, etc.