

**The Regulations Concerning the Handling of Public Research Funds at the
Public University Corporation, the University of Aizu**

(Ruling No. 2 March 31, 2015)

(Ruling No. 14 June 23, 2016)

Article One

(Purpose)

1.1 The purpose of these regulations is to provide for the necessary matters regarding the handling of Public Research Funds at the Public University Corporation, the University of Aizu (hereinafter referred to as "UoA"), to create and strengthen an appropriate management and operation system, and to prevent misappropriation.

Article Two

(Definitions)

2.1 Within these regulations, the terminology listed in each of the following items shall be as defined in each item.

- a. Public Research Funds: Research funds financed by the Competitive Research Funds, etc. of the national government or an independent administrative institution, etc. under its jurisdiction, as well as all research funds managed by the UoA
- b. Faculty and Staff, Etc.: UoA faculty and administrative staff members, as well as any other individuals involved in the management and operation of UoA Public Research Funds
- c. Misappropriation: The use of Public Research Funds for purposes other than originally intended, the use of Public Research Funds through false claims, or the use of Public Research Funds in a matter that violates laws, ordinances, or UoA regulations, etc.

Article Three

(Management and Operation System)

3.1 The following positions will be established to allow the appropriate management and operation of UoA Public Research Funds.

- a. Chief Executive Officer: The individual who supervises the UoA as a whole, and has the ultimate responsibility for the appropriate management and operation of Public Research Funds. The position shall be served by the Chairperson of the Board of Executives.
- b. Chief Operating Officer: The individual who supports the Chief Executive Officer and, in regards to the appropriate management and operation of

Public Research Funds, has the substantial responsibility and authority to supervise the UoA as a whole. The position shall be served by the Regent in Charge of General Affairs and Financial Affairs.

- c. Chief Compliance Officer: The two individuals who have the substantial responsibility and authority for the appropriate management and operation of Public Research Funds. The positions shall be filled by the Deputy Director General Assigned to the University Administration Office for University matters and by the Deputy Director General Assigned to the Junior College Division Administration Office for Junior College Division matters.
- d. When the positions of the officers mentioned in the previous three items are served or when those assuming those positions are changed, their titles shall be publically announced.

3.2 The Chief Executive Officer must create a fundamental policy regarding preventive measures against misappropriation (hereinafter referred to as the "Fundamental Policy"), publicize that and exercise appropriate leadership so that the Chief Operating Officer, Chief Compliance Officer, and Faculty and Staff, Etc. can engage in the appropriate management and operation of Public Research Funds at the UoA in a responsible manner.

3.3 The Chief Operating Officer must prepare concrete measures at the university, implement those measures, and make a report on situations regarding their implementation to the Chief Executive Office.

3.4 The Chief Compliance Office must perform the following duties under the instruction of the Chief Executive Officer.

- a. Confirm situations regarding implementation of the preventive measures against misappropriation and report the situations to the Chief Operating Officer.
- b. Provide Faculty and Staff, etc. with compliance education in order to prevent misappropriation, and confirm the status of providing compliance education and their levels of understanding.
- c. Monitor whether Faculty and Staff, etc. are appropriately managing and executing public research funds and give instructions for improvement if necessary.

Article Four

(Duties of Faculty and Staff, Etc.)

4.1 In order to prevent the misappropriation of Public Research Funds, the Code of Conduct Regarding the Use of Public Research Funds at the Public University Corporation, the University of Aizu (hereinafter referred to as "Code of Conduct")

shall be established.

4.2 Faculty and Staff, Etc. must follow the Code of Conduct, and must not misappropriate Public Research Funds.

4.3 Every fiscal year, Faculty and Staff, Etc. must attend at least one compliance training session on the appropriate management and operation of Public Research Funds run by the Chief Compliance Officer, and must submit a written oath containing the matters listed in the following items to the Chief Executive Officer.

- a. I will observe UoA regulations, etc.
- b. I will not misappropriate funds.
- c. In the event that I misappropriate funds in violation of regulations, etc., I shall accept any punishment from, or bear legal responsibility to the UoA or the institution providing the Public Research Funds (hereinafter referred to as "Funding Institution").

4.4 Faculty and Staff, Etc. must obey the instructions of the Chief Executive Officer and Chief Operating Officer in regards to preventing the misappropriation of Public Research Funds.

Article Five

(Impropriety Prevention Plan)

5.1 The Chief Executive Officer shall ascertain the factors that cause the misappropriation of Public Research Funds at the UoA, and must establish an Impropriety Prevention Plan in order to take appropriate countermeasures.

5.2 The Chief Executive Officer must put in place the administration system needed to promote the Impropriety Prevention Plan.

5.3 The Chief Executive Officer must strive to ascertain the state of progress of the Impropriety Prevention Plan.

Article Six

(Office for the Compliance Promotion)

6.1 In order to promote the Impropriety Prevention Plan mentioned in Paragraph 5.1 of the preceding article at the UoA, the Public University Corporation, the University of Aizu Office for Compliance Promotion (hereinafter referred to as "Office for the Compliance Promotion ") shall be established.

6.2 Necessary matters regarding the establishment and operation of the Office for the Compliance Promotion shall be provided for separately.

Article Seven

(Establishment of Reporting Hotlines)

7.1 In order to appropriately administrate consultations and reporting on

misappropriation (hereinafter referred to as "Reports, Etc."), contact hotlines for Reports, Etc. (hereinafter referred to as "Reporting Hotline.") shall be established within the Planning and Collaboration Division for University matters and within the Junior College General Affairs Section for Junior College Division matters.

Article Eight

(Reports, Etc. of Misappropriation)

8.1 Should misappropriation occur, or should there be a suspicion that it has occurred at the UoA, it shall be possible for anyone to report, etc. misappropriation through the Reporting Hotline.

8.2 Reports, Etc. shall be made via writing, email, telephone, fax, or in-person consultation.

8.3 As a general rule, Reports, Etc. require revealing the reporter's name and contact information. However, the reporter may request anonymity in the procedures that follow afterwards.

8.4 When Reports, Etc. are received by the hotline, the Chief Executive Officer must be notified content of the Reports, etc. in a timely manner.

8.5 In the case referred to in the preceding paragraph, the Chief Executive Officer shall ascertain the content of the Reports, Etc., and make a decision to have the Office for the Compliance Promotion carry out an investigation if it is recognized as necessary.

8.6 The decision referred to in the preceding paragraph must be made within 30 days after the acceptance of the Reports, Etc., in principle.

8.7 If, in the case referred to in Paragraph 5 above, it is determined that an investigation is not necessary, the Chief Executive Officer must notify the reporter of reasons for that. In the case of the report, etc. on the research activity which is funded by a Funding Institution other than the UoA, the UoA must notify said Funding Institution of the fact that the report, etc. have been made.

Article Nine

(Authority for Discretionary Investigations)

9.1 Regardless of the presence of Reports, Etc., the Chief Executive Officer may direct the Office for the Compliance Promotion to carry out an investigation when it is recognized that a suspicion of misappropriation warrants doing so.

Article Ten

(Measures Taken During Investigations)

10.1 When it is determined that the Office for the Compliance Promotion will carry out an investigation, the Chief Executive Officer shall notify the Faculty and

Staff, Etc. subject to the investigation (hereinafter, "Subject") and the reporter of the fact that an investigation is to be carried out. Further, should the subject belong to a research institution, etc. other than the UoA, the director of said institution, etc. must be notified.

10.2 The Chief Executive Officer shall, if the subject research activities are funded by a Funding Institution other than the UoA, notify the Funding Institution of the fact that the investigation will be conducted and report and discuss investigation policies, individuals subject to the investigation and methods, etc.

10.3 When the Chief Operating Officer recognizes it as necessary for the investigation, he or she may request the following measures be taken regarding the Subject, reporter, and other relevant individuals.

- a. Hearings on the facts of the case
- b. Submission of related materials, etc.
- c. Temporary closure of the Subject's office, etc.
- d. Temporary suspension of the Subject's use of research funds, etc.
- e. Any other measures necessary for the investigation

Article Eleven

(Methods for Investigations by the Office for the Compliance Promotion)

11.1 The Office for the Compliance Promotion shall, through careful examination of accounting documents, etc., and hearings, etc. with the relevant individuals, investigate whether or not the Subject has committed misappropriation and the details thereof, any individuals involved in the misappropriation, and the extent of that involvement, and the amount of misappropriation, etc.

11.2 The Office for the Compliance Promotion must start an investigation within 30 days, in principle, after the decision to carry out the investigation referred to in Article 8, Paragraph 5 and Article 9 above.

11.3 The Office for the Compliance Promotion must provide the Subject with an opportunity to provide a written or oral explanation.

11.4 Faculty and Staff, Etc. must cooperate in the investigation when requested by the Office for the Compliance Promotion to do so, in the absence of the presence of a valid reason for refusal.

11.5 The Office for the Compliance Promotion must, in principle, compile investigation results and report those results to the Chief Executive Officer within 150 days after the start of the full-scale investigation.

11.6 Even while the investigation is being conducted, should even part of the impropriety be confirmed as fact, the Compliance Promotion Office must report this fact to the Chief Executive Officer in a timely manner.

11.7 In the case that the misappropriation has been recognized in a research activity funded by a Funding Institution, etc. other than the UoA, the Office for the Compliance Promotion shall, in response to requests by the Funding Institution, etc., must report the progress of the investigation and provide a mid-investigation reports to the institution in question even if the investigation has not been completed. Furthermore, the Office for the Compliance Promotion shall accommodate requests by the Funding Institution, including the submission of related materials, allowing them to browse the materials or to conduct an on-site investigation, in the absence of any valid reasons, such as the case where their request interferes with the ongoing investigation.

Article Twelve

(Recognition of Misappropriation)

12.1 Based on the report from the Office for the Compliance Promotion, the Chief Executive Officer shall recognize findings regarding whether the Subject has misappropriated Public Research Funds or not, details of the misappropriation, individuals involved in the misappropriation and the extent of the involvement, the misappropriated amount, etc. and notify the Subject and reporter of the findings in writing in a timely manner.

Article Thirteen

(Protests against Recognition of Misappropriation)

13.1 The Subject who has been recognized as having committed misappropriation in accordance with the previous article (hereinafter, "Recognized Malfeasant") or the reporter who received a notice in accordance with Article 8, Paragraph 6 and the previous article, may file protests to the Chief Executive Officer within 14 days after receiving the notice.

13.2 The Office for the Compliance Promotion shall deliberate on the protests.

13.3 As a result of the deliberation, should the Office for the Compliance Promotion determine the necessity of a reinvestigation, they must carry out a reinvestigation in a timely manner.

13.4 As a result of the deliberation, should the Office for the Compliance Promotion determine that they have found no grounds for the protest, they shall report this decision to the Chief Executive Officer. He or she shall notify the Recognized Malfeasant or the reporter this decision in writing in a timely manner. Further, no protest can be made on this decision.

Article Fourteen

(Measures to Be Taken When Misappropriation Has Been Recognized)

14.1 In the event that the Recognized Malfeasant does not file a protest as provided for in Paragraph 1 of the previous article, or misappropriation is recognized as a result of the reinvestigation provided for by Paragraph 13.3 of the preceding article, the Chief Executive Officer shall disclose the fact of misappropriation.

14.2 In the case that the misappropriation has been recognized in a research activity funded by a Funding Institution other than the UoA, the Chief Executive Officer shall report that fact to said institution even during the ongoing investigation.

14.3 In the case that the misappropriation has been recognized in a research activity funded by a Funding Institution other than the UoA, the Chief Executive Officer shall submit a final report to said institution, including investigation results, factors to have caused the impropriety, status of management and audit systems for other competitive research funds related to the individual involved in the impropriety in question. Should the investigation be incomplete by the deadline provided for in Paragraph 14 .4 below, a progress report shall be submitted.

14.4 The disclosure and the report respectively referred to in Article 14 Paragraph 1 and 3 above must be made within 210 days starting from the day the report, etc. is received.

14.5 The Chief Executive Officer may order to suspend the use of the research funds, etc. on the research activities in which misappropriation is recognized, and may also order to return part or all of the research funds already used.

14.6 Treatment of the Recognized Malfeasant shall be as provided for in the Regulation Concerning Disciplinary Punishment of Personnel of the Public University Corporation, the University of Aizu and other related regulations.

Article Fifteen

(Measures to Be Taken when Misappropriation is Not Recognized)

15.1 In the event that misappropriation is not recognized as a result of the investigation provided for in Paragraph 8.5 and Article 9, or the reinvestigation provided for in Paragraph 13.3, the Chief Executive Officer shall not disclose the results of these investigations, in principle.

15.2 In the event that misappropriation is not recognized, the Chief Executive Officer shall take all necessary measures to restore the honor of the Subject and to prevent his or her suffering any disadvantage.

Article Sixteen

(Recognition of Malicious Reports, Etc.)

16.1 In the event that misappropriation is not recognized, and it is determined through investigations, etc. that the Report, etc. was made based on malicious intention, the Chief Executive Officer shall take measures such as disciplinary punishment, legal action, etc. in accordance with the Regulation Concerning Disciplinary Punishment of Personnel of the Public University Corporation, the University of Aizu and other related regulations.

Article Seventeen

(Obligation of Confidentiality)

17.1 Individuals involved in reporting or investigation, etc. must not reveal any secret information gained through the performance of their duties to other parties without a valid reason.

Article Eighteen

(Internal Audit)

18.1 For the purpose of the appropriate management and operation of Public Research Funds, the Audit Office shall, in collaboration with the Office for the Compliance Promotion, carry out auditor audits, accounting auditor audits, and internal audits, corresponding to factors to cause misappropriation, in accordance with the provisions of the Regulation Concerning the Auditor and Audit, the Public University Corporation, University of Aizu.

Article Nineteen

(General Affairs)

19.1 Performance of general affairs related to this regulation shall be carried out by the Planning and Collaboration Division.

Article Twenty

(Supplemental Provision)

20.1 Other than those provided for in this regulation, necessary matters regarding the appropriate handling of Public Research Funds shall be determined separately by the Chief Executive Officer.

ADDITIONAL PROVISIONS

1. This regulation shall be enforced as of March 31, 2015.
2. The "Fundamental Policies Pertaining to Administration and Management of Public Research Funds (April 1, 2008)" shall be abolished.

ADDITIONAL PROVISIONS

1. This regulation shall be enforced as of June 23, 2016.