

The Proposed Law of National University Corporations

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(Quite important sections are translated into English.)

Original text in Japanese in [HTML](#), in [PDF\(official\)](#)

[List of all proposed laws concerned\(official site\)](#)

(Purpose)

Article 1

The purpose of this law is, in order to take up demand of people for education and research in universities and to promote the level and balanced development of higher education and research in our country, to enact provisions for organization and governance of National University Corporations which set up National Universities and undertake education and research, and for organization and governance of the Corporations for Collaborative Organizations of Universities which set up the Collaborative Organizations of Universities and provide collaborative use of them.

(Definitions)

Article 2

1. "National University Corporation" under this law shall mean a corporation established for the purpose of setting up a national university.

5. "Intermediary objectives" under this law shall mean the objectives of business and administration to have to be achieved by National University Corporations and Corporations for Collaborative Organizations of Universities, and shall be determined by the Minister of Education and Science according to the provision of the paragraph 1 of article 35.

6. "Intermediary plan" under this law shall mean the plan to achieve the intermediary objectives and to be made by the National University Corporations according to the provision of the paragraph 1 of article 31.

7. "Academic year plan" under this law shall mean the plan determined by National University Corporations, etc. based on the intermediary plan, according to the provision of the paragraph 1 of article 31 of the Law of the General Rules applied mutatis mutandis (which shall mean the Law of the General Rules for Independent Administrative Institutions [the law no.103 enacted in 1999]. The same shall apply hereafter.).

8. "School rules" under this law shall mean provisions of terms for studying to graduate, curriculum, the organization for education and research, and other matters necessary for

students' studying.

(Consideration for characteristics of education and research)

Article 3

The national government must all the time pay attention to characteristics of education and research at national universities or collaborative organizations of universities in applying this law.

(Name etc. of National University Corporations, etc.)

Article 4

1. Each name of National University Corporations and each seat of their main offices are shown in the first column and the third column on the table 1 from here respectively.
2. National University Corporations shown in the first column in the table 1 set up national universities shown in the second column in the same table respectively.

(Incorporation)

Article 6

National University Corporations, etc. are treated as a corporation.

(Capital fund)

Article 7

1. As a rule, capital fund of each National University Corporation etc. is the amount deemed to be invested from the Government according to the supplementary provision of the paragraph 2 of Article 9.
2. The Government may additionally invest in National University Corporations, etc., within an extent determined by a budget, if they consider investment to be necessary.
3. Regardless of the last paragraph, the Government may additionally invest in National University Corporations, etc. for land, buildings, things fixed on the otherland and accompaniments to the building (which are denoted by "land etc." on the 6th paragraph), if they consider investment to be necessary.

(paragraphs 4 through 8 are skipped)

(Limitation of use of name)

Article 8

Those who are not National University Corporations, etc. or Corporations for Collaborative Organizations of Universities, must not use in their name the letters, both National University Corporations, etc. and Corporations for Collaborative Organizations of Universities.

Article 9

1. For the management of administrative works on National University Corporations, etc., National University Corporation Evaluation Committee (which is denoted by "Evaluation Committee" hereafter) is set up in the Ministry of Education and Science.

2. Evaluation committee has the following administration.

- (a) Evaluation on achievement of business of National University Corporations, etc..
- (b) Treatment of other matters which are authorized by this law.

3. Except the previous provisions, matters which are necessary for the organization of the Evaluation Committee, the extent of its business, selection of committee members and other officials, are determined by the government ordinance,

(officers)

Article 10

1. Each National University Corporation shall have a president and two auditors as its officers.

2. Each National University Corporation shall have trustees within the number set by the forth column in the table 1 as its officers.

(Tasks and authority of executives)

Article 11

1. President shall perform the tasks enacted by the Law of Education in Schools (the law no. 26 in the year 1947) paragraph 3 of the Article 58 , and represents a National University Corporation and administer its business.

2.. On the occasion of determining the following matters, the president must consult the meeting constituted of president and trustees.

- (a) Opinions on the intermediary objectives (which denotes opinions of National University

Corporations etc. to the Minister of Education and Science according to the paragraph 3 of Article 30. The same shall apply hereafter.) and matters concerning an academic year plan.

(b) Matters which have to be approved or sanctioned according to this law by the Minister of Education and Science.

(c) Matters concerning making, execution and audit of the budget, .

(d) Matters concerning establishment or abolition of the concerned national university, faculty, department and other important organization of it.

(e) Other important matters specified by the committee of officers.

3. According to the prescription by the president, trustees shall support the president and administer their National University Corporation, and when the president is in trouble, they shall substitutively perform the tasks, and when the position of the president is vacant, they shall perform its tasks.

4. The auditors shall inspect the business of National University Corporations.

5. Based on the result of the inspection, the auditors may submit opinions to the president or to the Minister of Education and Science if they consider it is necessary.

(Appointment of officers)

Article 12

The Minister of Education shall appoint the president according to the proposal of the National University Corporation.

(paragraphs 2 through 7 skipped)

8. The Minister of Education shall appoint the auditors.

Article 13

1. The president shall appoint trustees from people whose requirements are enacted by the paragraph 7 of last article.

2. When the president has appointed trustees by the preceding paragraph, the president must promptly notify the Ministry of Education and Science and must announce it to the public.

Article 14

In appointing trustees or auditors, the president or the Minister of Education and Science,

respectively, must include people who are not actually officers or staffs of the concerned National University Corporation.

(Dismissal of officers)

Article 17

1. The Minister of Education and Science or the president must dismiss officers who became incompetent to be officers according to the previous article.
2. The Minister of Education and Science or the president may dismiss an officer who falls under any of the following items, or, who is deemed to be inappropriate to be an officer.
 - (a) The case that it is impossible to perform the task because of a mental or physical disorder.
 - (b) The case that there is a violation of duty.
3. Except the previous provisions, in case that the achievement of business of a National University Corporation, etc. goes worse because of inappropriateness in conducting the business of the officers (except auditors) who are appointed by the Minister of Education or by the president, and is considered to be inadequate to continue the task, the Minister of Education and Science or the president may dismiss the officer.
4. Dismissal of the president by the Minister of Education according to the previous two paragraphs shall be carried out with an offer from the Committee for Selection of the president in its National University Corporation.
5. If the president dismisses a trustee according to provisions from the paragraphs 1 through 3, he/she must promptly notify the Minister of Education and Science and must announce it to the public.

(management council)

Article 20

1. As an organization to discuss important matters concerning management of the National University Corporation, Management Council shall be set up in each National University Corporation.
2. Management Council shall be constituted of the following committee.
 - (a) The president.
 - (b) Trustees or staffs appointed by the president.
 - (c) Those whom the president appoints from those who are not officers or staffs of the National

University Corporation therof and who have an extensive knowledge and a sublime judgment on affairs of universities, after hearing the opinions of Education and Research Council enacted by the paragraph 1 of next Article.

3. The number of committee members said in the 3rd item of the preceding paragraph must be equal to or more than a half of all committee members of the Management Council.

4. Management Council shall discuss the following matters.

- (a) Matters concerning management of National University Corporations among matters concerning opinions on the intermediary objectives.
- (b) Matters concerning management of National University Corporations among matters concerning the intermediary plan and academic year plan.
- (c) Matters concerning school rules (which are limited to a part concerning management of National University Corporations), provisions of audit, standard of payment and a retirement allowance for officers, standard of salary and a retirement allowance for staffs, and the other enactment, revision or abolition of rules concerning management.
- (d) Matters concerning making, execution and audit of the budget.
- (e) Matters concerning the self-inspection and evaluation on governance of organization.
- (f) The other important matters concerning management of National University Corporations.

5. A chairperson shall be set in the Management Council and the president shall be in the chair.

6. A chairperson shall presides the Management Council.

(the intermediary objectives)

Article 30

1. The Minister of Education and Science must determine the objectives of business and administration which National University Corporations, etc. should achieve in six year term as the "intermediary objectives", and must designate these objectives to the said National University Corporations, etc. and announce it to the public. In the case of changing these objectives, the same provision is also applied.

2.. The following items should be prescribed in the intermediary objectives

- (a) Matters concerning improvement of quality of education and research.
- (b) Matters concerning improvement of business and administration, and of their efficiency.
- (c) Matters concerning improvement of finance.
- (d) Matters concerning the self-inspection and evaluation on education, research and governance of organization, and providing information on these affairs.

(e) The other important matters concerning its business and administration.

3.. When the Minister of Education and Science determines or changes the intermediary objectives, he/she must listen to the opinion of the National University Corporation in advance and must pay attention to it, and must listen to the opinion of the Evaluation Committee as well.

(intermediary plan)

Article 31

1. When the intermediary objectives is given to the National University Corporation etc. according to the provision of paragraph 1 of the last article, the Corporation etc. must make a plan to achieve the said intermediary objectives as "intermediary plan" according to a ministerial ordinance from the Ministry of Education and Science, and must obtain sanction of the Minister of Education and Science. In the case of changing this plan, the same provision is also applied.

2. The following items shall be prescribed in intermediary plans.

(a) Measures to achieve the targets concerning improvement of quality of education and research.

(b) Measures to achieve the targets concerning amelioration of, and improvement of efficiency of business and administration.

(c) Budget plan (which includes estimation of cost for employment), plan for balance and for financing.

(d) Maximum amount of the short -term debt.

(e) The plan in transferring significant properties or putting it in security.

(f) Uses for the surplus.

(g) The other matters concerning business and administration prescribed by the ministerial ordinance of Ministry of Education and Science.

3. In advance of giving sanction of the paragraph 1, the Minister of Education and Science must listen to the opinion of the Evaluation Committee.

4. If it is recognized that the intermediary plan which was sanctioned according to the paragraph 1 of this article became inadequate to perform appropriately and surely the matters shown in each items of the second paragraph of Article 30, the Minister of Education and Science may order the change of the intermediary plan to the Corporations.

5. National University Corporations, etc. that has obtained sanction of paragraph 1 shall promptly announce the intermediary plan.