

National University Corporation Law

Also proposed are

Law of Independent Administrative Corporation for Technology Colleges Organization
and other 8 bills.

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(Objective)

Article 1

In order to increase the level of university education and scientific research in our country and to promote a balanced development, while responding to the citizens` expectations with respect to education and research at the university level, this law serves the purpose of making provisions for the organization and administration of both National University Corporations, which establish National Universities and engage in education and research, and of Corporations for Collaborative Organizations of Universities, which establish Collaborative Organizations of Universities and provide for their collaborative use of them by the universities.

(Definitions)

Article 2

Under this law, the term *National University Corporations* shall mean corporations that are established in accordance with the provisions, which this law stipulates for the establishment of National Universities.

(2) Under this law, the term *National University* shall mean the universities listed in the second column of Separate Table No. 1.

(3) Under this law, the term *Corporations for Collaborative Organizations of Universities* shall mean corporations that are established in accordance with the provisions made in this law for the establishment of Collaborative Organizations of Universities.

(4) Under this law, the term *Corporations for Collaborative Organizations of Universities* shall mean the research centers for collaborative use by the universities, which are established in order to contribute to the development of the scientific research at the universities in the research fields listed in the second column of Separate Table No. 2.

(5) Under this law, the term *intermediary objectives* shall mean the objectives with respect to operational management which the Minister of Education and Scientific Research stipulates in accordance with the provisions of article 30, paragraph 1, and which the National University Corporations and the Corporations for Collaborative Organizations of Universities (called *National University Corporations etc.* below) are expected to realize.

(6) Under this law, the term *intermediary plans* shall mean the plans for the attainment of the intermediate objectives, which the National University Corporations etc. draw up according to the provisions of article 31, paragraph 1.

(7) Under this law, the term *annual plans* shall mean the plans which the National University

Corporations etc. establish on the basis of the intermediary plans according to the provisions of article 31, paragraph 1 of the General Law applying *mutatis mutandis* (this designates the Law on General Principles Concerning Independent Administrative Corporations (Law No. 103 of 1999) applying *mutatis mutandis* in article 35 of this law. It shall be called the same below.).

(8) Under this law, the term *school rules* shall mean what is established in the rules of the National University Corporations about the years required for completing a course of study, the education process, the organization of education and research and other points that are required for the students in the course of their studies.

(Considerations on the special characteristics of research and education)

Article 3

Concerning the implementation of this law, the state must take into consideration the special characteristics of research and education at National Universities and Corporations for Collaborative Organizations of Universities.

(the appellation of National Universities etc.)

Article 4

the appellation of National Universities and the locations of its important offices, are to be handled according to the respective rules of Separate Table No. 1, columns 1 and 3.

(2) The National University Corporations listed in column 1 of Separate Table No. 1 are to establish the National Universities listed in column 2 of the said table, respectively.

Article 5 [not translated]

(corporation status)

Article 6

National University Corporations, etc. are considered corporations.

(capital stock)

Article 7

The capital stock of National University Corporations, etc. is to be the sum considered to have been disbursed by the government according to the stipulations of article 9, section 2 of the bylaws.

(2) When such a necessity has been recognized, the government may, within the limits set out in the budget, provide a National University Corporation, etc. with additional capital.

(3) Regardless of the provisions of the previous paragraph, the government may, when such a necessity has been recognized, provide a National University Corporation, etc. with additional capital by making land, buildings, fixtures on this land or artefacts attached to the buildings (called land, etc. in paragraph 6) the object of this capitalization.

(4) In case the government has provided additional capital by making land the object of this capitalization according to the provisions of the preceding paragraph, it may add a provision requiring the National University Corporation, etc. to pay a sum corresponding to an amount established by a standard that is to be set by the Minister of Education to the Independent Administrative Corporation National University Finance and Operating Center after it has transferred all or part of the land in question, within the limits of the income resulting from the said transfer of property.

(5) After the government has provided capital according to the provisions of paragraph 2 or paragraph 3, the National University Corporation, etc. undertakes to increase its capital according to the amount of capital provided.

(6) The value of the land, etc. that the government makes the object of this capitalization is taken to be the value established by an evaluation committee, taking the present value of the land on the day the capital was provided as a standard.

(7) The evaluation committee mentioned in the previous paragraph, as well as other points that are necessary for the evaluation, are to be established by government decree.

(8) After a National University Corporation, etc. has transferred assets that were designated by the Minister of Education among the important assets established in the text of Article 48, paragraph 1 of the General Law applicable *mutatis mutandis*, the National University Corporation, etc. shall consider there had been no capitalization by the government concerning the amount established by the Minister of Education as a part related to the assets transferred, and shall undertake it to decrease its capital by the amount in question.

(limitations on the use of the appellation)

Article 8

Persons that are neither National University Corporations nor Corporations for Collaborative Organizations of Universities must not use the respective terms National University Corporation or Corporation for Collaborative Organizations of Universities in their names.

University Corporations

Article 9

This law establishes an Evaluation Committee for National University Corporations (hereafter referred to as *evaluation committee*) at the Ministry of Education in order to make the National University Corporations, etc. comply with their duties.

(2) The evaluation committee is in charge of the following matters:

- 1 matters related to the evaluation of the performance of National University Corporations, etc. in carrying out their duties
- 2 dealing with other items placed within the scope of their authority by this law

(3) Apart from the matters regulated by the preceding paragraph, provisions for other matters related to the organization of the evaluation committee, its functions, the committee members and other employees, as well as other important points concerning the evaluation committee, are established by government decree.

Second Chapter Organization and Duties

First Section National University Corporations

First Subsection Officials and Employees

(officials)

Article 10

For each National University Corporation, this law establishes the following officials, one university president as its president and two supervisors.

(2) For each National University Corporation, this law establishes the members of the board of trustees, up to the number of members specified in column 4 of separate table 1, respectively, as officials.

(professional duties and scope of authority of the officials)

Article 11

In addition to fulfilling the professional obligations listed in Article 58, paragraph 3 of the School Education Law (law No. 26 of 1947), the university president represents the National University Corporation and presides over its work.

(2) When the university president wants to make a decision on any of the following items, it must be submitted for discussion to board of officials consisting of the university president and the board of trustees (referred to as *board of officials* under No. 5).

- 1 opinions on the intermediary objectives (this refers to the views the National University Corporations, etc. submit to the Minister of Education according to Article 30, paragraph 3. They will be called the same below.) or items related to the annual plans
- 2 points that require the permission or consent of the Minister of Education according to this law
- 3 points related to drawing up and implementing the budget, as well as to the balance sheet
- 4 points related to establishing or abolishing of the aforesaid national universities, faculties, departments, and other important institutions
- 5 other important items established by the board of officials.

(3) The board of trustees assists the university president according to his instructions, presides over the functions of the National University Corporation, vicariously discharges the duties of the university president when he cannot do so himself, and performs the functions of the president when he is absent.

(4) The supervisors supervise the functions of the National University Corporation.

(5) On the basis of the results of their supervision, the supervisors can submit their views to the university president or the Minister of Education when this is deemed necessary.

(Appointment of the officials)

Article 12

The president of the university shall be appointed by the Minister of Education on the basis of a proposal by the National University Corporation.

(2) The proposal referred to in the preceding paragraph is to be reached on the basis of the screening of a council (called the university president screening council below) which is to be constituted by an equal number of the committee members listed under No.1 and the committee members listed under No.2

No. 1

To be selected among the persons listed under article 20, subjection 2, No.3, by the administrative council stipulated by the same paragraph of the same article

No. 2

To be selected among the persons listed under Article 21, paragraph 2, No.3 or No.4, by

the education and research council stipulated in paragraph 1 of the same article.

(3) Apart from the persons named in Nos. 1 and 2 of the preceding paragraph, the university president or the trustees can join the members of the university president screening council in accordance with a corresponding decision of the university president screening council. However, their number may not exceed one third of the total members of the university president screening council.

(4) The university president screening council has a chairman whom the council members elect from among themselves.

(5) The chairman presides over the university president screening council.

(6) Apart from the stipulations of this article, the procedural details of the university president screening council and other essential points concerning the university president screening council are to be decided by the chairman in consultation with the university president screening council.

(7) The selection of the university president established in paragraph 2 must take place from among individuals of lofty character and superior scholarly attainments, who possess the ability of directing educational and research activities at the university both pertinently and effectively.

(8) A supervisor shall be appointed by the Minister of Education.

Article 13

The trustees are appointed by the university president from among the group of people specified in paragraph 7 of the preceding article.

(2) When the university president has appointed trustees as specified in the preceding paragraph, he must notify the Minister of Education of this appointment and make it public without any delay.

Article 14

When the university president and the Minister of Education appoint the trustees and the supervisor, respectively, they must see to it that individuals who are neither officials nor employees of the National University Corporation concerned are included in the bounds of this appointment.

(the officials' term of office)

Article 15

The term of the university president is fixed according to the regulations of each National University Corporation within the range of more than two and no more than six years after deliberation in the university president screening council.

(2) The term of the trustees is fixed by the university president at no more than six years. However, a

trustee's last day in office must lie before the last day in office of the university president who has appointed this trustee.

(3) The term of the supervisors is to be two years. However, the term of a supervisor filling a vacancy is to be the remainder of the term of his predecessor.

(4) Officials can serve another term. In this case, the official concerned is not considered as a person who is not an employee of the National University Corporation concerned at the time he resumes his office with respect to the application of the provisions of the previous article, if he was not an official or employee of the university when he was first appointed.

(conditions for lack of qualifications in an official)

Article 16

Government employees and employees of regional public institutions (excluding part-time employees) cannot become officials.

(2) In spite of the provisions of the previous paragraph, government employees in the field of education appointed by government decree can become part-time trustees or supervisors.

(dismissal of officials)

Article 17

If one of the officials depending on their respective appointment has become unfit for the office by dint of the provisions of the previous article, the Minister of Education or the university president must dismiss this official.

(2) If one of the officials depending on their respective appointment fulfills one of the following criteria or has otherwise been found unfit to be an official, the Minister of Education or the university president can dismiss this official:

- 1 The official has been found to be unable to cope with his duties due to physical or mental breakdown.
- 2 There has been a transgression in the discharge of his professional duties.

(3) Apart from the cases mentioned in the previous paragraph, the Minister of Education or the university president can dismiss an official depending on their respective appointment (excluding the supervisors), if the performance of the National University Corporation concerned has deteriorated because of the failure of the official to comply with his duties, and it has been recognized that it is unsuitable for the official to continue fulfilling this function.

(4) The dismissals effected by the Minister of Education or the university president under the

provisions of the previous two paragraphs must be effected by submitting the matter to the university president screening council of the National University Corporation concerned.

(5) When the university president has dismissed a trustee under the provisions of the paragraphs 1 to 3, he must notify the Minister of Education of it and make the matter public without delay.

(obligation of confidentiality for officials and employees)

Article 18

The officials and employees of a National University Corporation must not divulge secrets that they have learnt in the course of their professional functions. After they have resigned from their positions, the same rule continues to apply.

(status of officials and employees)

Article 19

The officials and employees of a National University Corporation are considered employees who engage in official business by law, with respect to the application of the penal code (Law No. 45 of 1907) and other penal regulations.

Second section

The administrative council, etc.

(The administrative council)

Article 20

A National University Corporation is given an administrative council as an organ that deliberates important questions concerning the administration of the National University Corporation.

(2) The administrative council consists of the committee members listed below:

- 1 the president of the university
- 2 trustees and employees appointed by the president of the university
- 3 persons appointed from among those who are not officials or employees of the university, but have broad knowledge and great insight into matters concerning the university, by the president of the university after hearing the view of the education and research council provided for in the first paragraph of the following article.

(3) The number of committee members referred to in No. 3 of the preceding paragraph must be in excess of half of the total number of members of the administrative council.

(4) The administrative council deliberates on the following matters:

- 1 among those matters concerning views on the intermediary objectives, those which have some bearing on the administration of National University Corporations.
- 2 among those matters concerning intermediate plans or annual plans, those which have some bearing on the administration of National University Corporations,
- 3 matters concerning the school rules (limited to the part which has some bearing on the administration of National University Corporations), accounting regulations, standards for the payment of honoraria for officials and their retirement payments, standards for the payment of employee salaries and retirement payments, as well as the establishment, alteration, and abolition of other important regulations concerning the administrative process,
- 4 matters concerning the preparation and execution of the budget or the settlement of accounts,
- 5 matters concerning inspections and evaluations of the organizational and administrative situation that are conducted by the council itself and
- 6 other important matters concerning the administration of National University Corporations.

(5) The administrative council is to have a chairman, a position, which is filled by the university president.

(6) The chairman presides over the administrative council.

Article 21

As an organ deliberating on important matters concerning the education and research at National Universities, the education and research council is established for National University Corporations.

(2) The education and research council consists of the committee members listed below:

- 1 the university president
- 2 trustees appointed by the president
- 3 from among the heads of departments, research sections, research centers affiliated with the university, and other institutions of importance for education and research, those whom the education and research council determines.
- 4 other employees whom the university president appoints according to the decisions of the education and research council.

(3) The education and research council deliberates on the following matters:

- 1 matters concerning views on the intermediary objectives (excluding those items listed in paragraph 4, No. 1 of the preceding article),
- 2 matters concerning intermediate plans or annual plans (excluding those items listed in

paragraph 4, No. 2 of the preceding article)

3 school rules (excluding the part related to the administration of National University Corporations), and matters concerning the establishment, alteration, and abolition of other important regulations concerning the educational and research process.

4 matters concerning personnel decisions about the teaching staff.

5 matters related to be course to be followed in the organization of the process of education

6 matters related to advice that is required in order to help the students engage productively in the education process, as well as to guidance and to other forms of help.

7 matters related to the admission and graduation of students, the termination of the educational process, as well as other matters concerning enrollment policy or the granting of academic titles,

8 matters concerning inspections and evaluations of the educational and research situation that are conducted by the council itself, and

9 other important matters concerning the education and research at National University Corporations.

(4) The education and research council is to have a chairman, a position, which is filled by the university president.

(5) The chairman presides over the education and research council.

Third Section

Functions and related issues

(Scope of functions and related issues)

Article 22

The National University Corporations fulfill the following functions:

1 They are to establish National Universities and operate them.

2 For the students, they are to provide counseling that relates to their studies, the choice of career paths, and their physical and mental well-being, as well as other forms of help.

3 From parties other than the relevant National University Corporation, they receive commissions, or else conduct joint research together with these parties. They are to enter into cooperation with parties outside the National University Corporation in question and engage in educational and research activities with them.

4 They are to establish courses open to the general public and offer other opportunities for

study to persons who are not students.

5 They are to disseminate the research results of the National University concerned and promote those activities.

6 They are to pay the parties who implement projects that both promote the practical use of technology-related research results at the National University concerned and pursue objectives specified by government ordinances.

7 They fulfill all functions attendant on the functions enumerated in the preceding numbers.

(2) In their efforts to fulfill the functions listed in No. 6 of the preceding paragraph, National University Corporations must receive the permission of the Minister of Education.

(3) When the Minister of Education is willing to grant the permission, he must hear the view of the evaluation commission beforehand.

(4) The tuition fees of the National Universities and of the schools established by the National Universities in accordance with the stipulations of the following sections, as well as other matters necessary with respect to cost, are regulated by a decree of the Ministry of Education.

(schools affiliated with the university)

Article 23

In compliance with the regulations of the Ministry of Education, the National Universities can enter into an affiliation with and establish primary schools, junior high schools, senior high schools, schools of secondary education, schools for the blind, deaf schools, schools for the handicapped, preschools, or specialized schools

Second Section Corporations for Collaborative Organizations of Universities

First Subsection Officials and Employees

[THE PARAGRAPHS 24 TO 29 HAVE NOT BEEN TRANSLATED]

Third Chapter Intermediary Objectives, etc.

(Intermediary Objectives)

Article 30

The Minister of Education establishes objectives related to operational management (intermediary objectives) that are to be realized by National University Corporations etc. within a period of six

years. These goals are to be presented to the aforesaid National University Corporations etc., and to be announced to the public. The same procedure applies if the aforesaid objectives are changed.

(2) The following items are to be stipulated in the intermediary objectives:

- 1 items regarding amelioration of the quality of education and research,
- 2 items regarding the improvement of operational management and increasing efficiency,
- 3 items regarding an improved composition of the finances,
- 4 items regarding inspections and evaluations of the state of affairs in education and research that are conducted by the Corporations themselves, and the supplying of this information.

5 Other important items regarding operational management.

(3) When establishing the intermediary objectives or intending to change them, the Minister of Education must consult the National University Corporations, etc. beforehand, take their opinion into consideration, and consult the evaluation committee.

(intermediary plan)

Article 31

When presented the intermediary objectives, stipulated in paragraph 1 of the preceding article, National University Corporations etc., as stipulated in the decree of the Ministry of Education, must prepare an intermediary plan aimed at realizing the aforesaid objectives; this plan must be approved by the Ministry of Education. The same procedure applies, if the aforesaid plan is changed.

(2) The following items are to be stipulated in the intermediary plan:

- 1 Measures necessary for realization of the objectives related to the amelioration of the quality of education and research,
- 2 Measures necessary for the realization of the objectives related to the improvement of operational management and increasing efficiency,
- 3 Estimated costs (including estimated personnel expenses), revenue and expenditure plan, and budget.
- 4 Short-term borrowing limit,
- 5 When transfer of important property or using it as collateral is intended, a plan of such operation,
- 6 Use of surplus funds.
- 7 Other items related to operational management, stipulated in the decree of the Ministry of Education.

(3) When granting the approval stipulated in paragraph 1 of this article, the Minister of Education must consult the evaluation committee beforehand.

(4) When the Minister of Education concludes that any of the items of the intermediary plan approved according to paragraph 1, as stipulated in paragraph 2 of the preceding article, have become unsuitable for appropriate and unfailing enforcement, the Minister can order that changes be introduced in the intermediary plan.

(5) When granted the approval stipulated in paragraph 1 of this article, National University Corporations etc. must announce the intermediary plan to the public without delay.

Fourth Chapter Property and Accounting

(Use of reserve funds)

Article 32

If there are reserve funds according to the stipulations of the same Article, paragraph 1, in the last accounting year of the intermediary objective period, after completing the dispositions stipulated in Article 44 paragraph 1 or paragraph 2 of the General Law applicable *mutatis mutandis*, the National University Corporation etc. can assign that part of the sum that is equivalent to this amount which has been endorsed by the Minister of Education, to the operational funds stipulated in Article 22 paragraph 1 and Article 29 paragraph 1 for the following intermediary objective period, according to the stipulations of the intermediary plan that has received the endorsement in accordance with paragraph 1 of the preceding Article concerning the intermediate objective period following the intermediate objective period in question (if a modification of the plan has been acknowledged according to the provisions at the end of the same paragraph, the version after the revision has been effected)

(2) When granting the approval stipulated in the preceding paragraph, the Minister of Education must consult the evaluation committee beforehand.

(3) When any residual amount remains after deduction of the sum stipulated in paragraph 1, carried out in accordance with the approval stipulated in paragraph 1, from the sum equivalent to the amount of the reserve fund, stipulated in the same paragraph, National University Corporations etc. must pay the residual amount to the National Treasury.

(4) In addition to the cases stipulated in the preceding paragraph 3, the amount paid, payment procedures, and other necessary items regarding the use of reserve funds are stipulated by government decrees.

(Long-term borrowings and bonds)

Article 33

In order to gain funds necessary for acquirement of land lots, establishing or furnishing of facilities or installation of equipment, the National University Corporations etc. can make long-term borrowings or issue bonds on behalf of the aforesaid National University Corporations etc. (called *bonds* hereinafter), upon the approval of the Minister of Education.

(2) In addition to the cases stated in the preceding paragraph, the National University Corporations etc. can make long-term borrowings or issue bonds for the redemption of the bonds or loans stipulated by the government decrees, upon approval of the Minister of Education. However, the redemption period is limited to the period stipulated by the government decree.

(3) When granting the approval stipulated in the preceding paragraph 2, the Minister of Education must consult the evaluating committee beforehand.

(4) The creditors stipulated in paragraph 1 or paragraph 2 have a right to have their bonds redeemed from the assets National University Corporations etc. that issued the aforesaid bonds, that takes precedence over the claims of other creditors.

(5) The hierarchy of the lien stipulated in the preceding paragraph underlies the general rules of lien, stipulated in Civil Code (Law No. 89 of 1896).

(6) The National University Corporations, etc. can delegate some or all of the office duties related to the issue of bonds to banks or trust companies, upon approval of the Minister of Education.

(7) The provisions stipulated in Articles 309, 310, and 311 of the Commercial Code (Law No. 48 of 1899) apply mutatis mutandis to the banks or trust companies listed in the preceding paragraph.

(8) In addition to the cases stipulated in the preceding paragraphs, provisions necessary for long-term borrowings or bonds are stipulated by government decree.

(Redemption plan)

Article 34

The National University Corporations etc. that has made long term borrowings or issued bonds, in accordance with provisions stipulated in paragraph 1 or 2 of the preceding Article, must draw up a redemption plan each accounting year. This plan has to be approved by the Minister of Education.

(2) When granting the approval stipulated in the preceding paragraph, the Minister of Education must consult the evaluation committee beforehand.

Fifth Section

Various Rules

(The application of the provisions of the Law on General Principles Concerning Independent Administrative Corporations)

Article 35

The provisions of Law on General Principles Concerning Independent Administrative Corporations, Article 3, Article 7, paragraph 2, Article 8, paragraph 1, Article 9, Article 11, Article 14 to 17, Article 24 to 26, Article 28, Article 31 to 50, Article 52, Article 53, Article 61, and Article 63 to 66 apply mutatis mutandis to the National University Corporations, etc. In this case, apart from changing the reading from *competent minister* to *Minister of Education and Science*, from *competent ministry* to *Ministry of Education and Science*, and from *the evaluation committee concerned to evaluation commission*, the words and phrases contained in the regulations listed in the left column of the following table and listed in its central column are to be replaced by the words and phrases listed in the right column.

Provisions of the Law on General Principles Concerning Independent Administrative Corporations in which expressions are to be replaced	the words and phrases to be replaced	the words and phrases that are to replace them
Article 3, paragraph 3	individual law	Law of National University Corporations
Article 14, paragraph 1	president (hereafter called <i>president of the corporation</i>)	university president (in the case of Corporations for Collaborative Organizations of Universities, organization president, called the same below)
Article 14, paragraph 2	president of the corporation	university president
	this law	Law of National University Corporations
Article 14, paragraph 3	Article 20, paragraph 1	Article 12, paragraph 7 of the Law of National University Corporations (in the case of in the case of Corporations for Collaborative Organizations of Universities, the <i>mutatis mutandis</i> applicable paragraph of article 26 of the same law)
	president of the corporation	university president
Article 15, paragraph 2, Article 16 and Article 24 to 26	president of the corporation	university president
Article 28, paragraph 2	decree of the relevant ministry (this designates the cabinet office having jurisdiction over the independent administrative corporation concerned, the cabinet decrees of every ministry, or ministerial decrees. The same below)	decree of the Ministry of Education

Article 31, paragraph 1	paragraph 1 of the preceding article	Article 31, paragraph 1 of the Law of National University Corporations
	intermediate plan	the intermediate plan provided for in the same article
Article 31, paragraph 2	after receiving the permission mentioned in paragraph 1 of the preceding article	after receiving the permission mentioned in Article 31, paragraph 1 of the Law of National University Corporations
Article 33	period of intermediate objectives	period of the intermediate objectives (hereafter called <i>intermediate objectives</i>) of Article 30, paragraph 1 of the Law of National University Corporations
Article 34, paragraph 2	considering	considering and requesting the evaluation of the National University Corporations or Corporations for Collaborative Organizations of Universities of the educational and research situation according to the stipulations of the Law on Organs Conferring Academic Titles / Evaluation of Independent Administrative Corporations (Law No of 2003) Article 16, paragraph 2 , concerning Organs Conferring Academic Titles / Evaluation of Independent Administrative Corporations and respecting the result of this evaluation
Article 38, paragraph 2	opinion of the supervisor (in the case of Independent Administrative Corporations that must be audited by an auditor, as provided for in the following article, the opinion of the supervisor and of the auditor. The same applies below.)	opinion of the supervisor and of the auditor
Article 38, paragraph 4	and the supervisor	and both the supervisor and the auditor
Article 39	Independent Administrative Corporations (excepting Independent Administrative Corporations whose amount of capital or the administrative scale fails to reach the standard set by a government ordinance)	National University Corporations, etc.

Article 41	Article 4 (excepting paragraph 2, No. 2)	Article 4
	Article 39 of the Law on General Principles Concerning Independent Administrative Corporations,	Article 39 of the Law on General Principles Concerning Independent Administrative Corporations, applying <i>mutatis mutandis</i> in Article 35 of the Law of National University Corporations
Article 44, paragraph 3	Article 30, paragraph 1	Article 31, paragraph 1 of the Law of National University Corporations
Article 44, paragraph 5	to be established by the individual laws	according to the provisions of article 32 of the Law of National University Corporations
Article 45, paragraph 1	Article 30, paragraph 2, No. 4	Article 31, paragraph 2, No. 4 of the Law of National University Corporations
Article 45, paragraph 5	this is provided for in particular by the individual laws	according to the provisions of Article 33, paragraph 1 and paragraph 2 of the Law of National University Corporations
Article 48, paragraph 1	Article 30, paragraph 2, No. 5	Article 31, paragraph 2, No. 5 of the Law of National University Corporations
Article 50	this law and this	this law and the Law of National University Corporations and this
Article 52, paragraph 3	positive achievements and the estimated cost of personnel, according to Article 30, paragraph 2, No. 3, of the intermediate plans	positive achievements
Article 65, paragraph 1	individual laws	Law of National University Corporations

(Consultations with the Finance Minister)

Article 36

The Minister of Education must confer with the Finance Minister in the following cases.

- (1) When establishing standards stipulated in Article 7, paragraph 4, or setting the amount stipulated in paragraph 8 of the same Article.
- (2) When granting the approval stipulated in Article 22 paragraph 2, Article 29, paragraph 2, Article 31 paragraph 1, Article 33 paragraph 1, paragraph 2 or paragraph 6 or Article 34 paragraph 1 or, general law applicable *mutatis mutandis*, Article 45 provisory clause of paragraph 1, or provisory clause of paragraph 2 or Article 48, paragraph 1, general law applicable *mutatis mutandis*.

- (3) When establishing the intermediary objectives stipulated in Article 30, paragraph 1, or planning to modify them.
- (4) When granting the approval stipulated in Article 32 paragraph 1, or Article 44 paragraph 3, of the General Law applicable *mutatis mutandis*.
- (5) In the case of the nomination stipulated in Article 47 No. 1 or No. 2, general law applicable *mutatis mutandis*.

(*Mutatis mutandis* application of other laws and ordinances)

Article 37

Regarding the Fundamental Law on Education (Law No. 25 of 1947) and other laws and ordinances instituted by government decree, the National University Corporations etc. shall be considered government institutions and the respective decrees shall be applicable *mutatis mutandis*.

(2) Museum Law (Law No. 285 of 1951) for the provisions stipulated in other decrees, in the relevant points, the National University Corporations etc. shall be deemed Independent Administrative Corporations, as stipulated in Article 2 paragraph 1 of the Law on General Principles Concerning Independent Administrative Corporations, applicable *mutatis mutandis*

Sixth Chapter Penal Provisions

Article 38

Those who reveal confidential information in violation of the stipulations of Article 18 (including cases applicable *mutatis mutandis* in Article 26) shall be punished with a prison sentence up to one year or shall be fined a sum of less than 500,000 yen.

Sixth Chapter Penal Provisions

Article 39

If they fail to submit their report according to the provisions of Article 64, paragraph 1 of the General Law applicable *mutatis mutandis*, submit a false report, refuse or impede the inspection according to the same article, or evade it, the officials or employees of the National University Corporation or Corporation for Collaborative Organizations of Universities who have committed this unlawful act will be fined a sum of less than 200,000 Yen.

Article 40

In case one of the following items is applicable, the officials or employees of the National University Corporation or Corporation for Collaborative Organizations of Universities who have committed this unlawful act will be fined a correctional fine of less than 200,000 Yen:

- (1) in cases where, although they were obliged to solicit the permission or approval of the Minister of Education under the requirements of this law or of the General Law applicable *mutatis mutandis*, such a permission or approval was not in fact obtained,
- (2) in cases where, although they were obliged to report to the Minister of Education under the requirements of this law or of the General Law applicable *mutatis mutandis*, such a report was not in fact delivered or a false report was made,
- (3) in cases where, although they were obliged make a public announcement under the requirements of this law or of the General Law applicable *mutatis mutandis*, such a public announcement was not in fact made or contained false information,
- (4) in cases where they performed functions other than those stated in Article 22, paragraph 1.
- (5) in cases where they performed functions other than those stated in Article 29, paragraph 1.
- (6) in cases where they defied an order given by the Minister of Education according to the provisions of Article 31, paragraph 4,
- (7) in cases where they neglected to register something in defiance of an order given by the Minister of Education according to the provisions of Article 9, paragraph 1 of the General Law applicable *mutatis mutandis*,
- (8) in cases where they failed to submit the project report according to the provisions of Article 33 of the General Law applicable *mutatis mutandis*, failed to include certain items that should have been included in this project report, or submitted a project report containing false information,
- (9) in cases where, in violation of the provisions of Article 38, paragraph 4 of the General Law applicable *mutatis mutandis*, they failed to prepare either a financial statement, a project report, a statement of accounts or a document stating the views of the inspector and the auditor, or else did not submit this document to inspection,
- (10) in cases where, in violation of the provisions of Article 47 of the General Law applicable *mutatis mutandis*, they used funds left over from their official functions,
- (11) in cases where they did not submit a report according to the provisions of Article 65, paragraph 2 of the General Law applicable *mutatis mutandis* or submitted a report containing wrong information.

Persons who have violated the provisions of article 8 will be fined a correctional fine of less than 100,000 Yen