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Tentative Plan of the Main Points of the  
Draft of University Control Law

( Second Plan of the University Control Law Drafting Committee)

Oct. 14, 1950

University Control Law

Chapter I General Provisions

(Purpose of this Law)

Article 1. The purpose of this Law is to look to adequate control of national universities by respecting their autonomy and making the public opinion reflected upon their administration.

Article 2. The organization, powers, operation, etc. of national universities shall be in accordance with the provisions of this Law, unless otherwise provided for in other laws and orders.

Chapter II National University Council

(Establishment)

Article 3. The National University Council shall be established in the Ministry of Education.

(Members)

Article 4. The National University Council shall be composed of 23 members.

2. The Minister of Education shall appoint the people listed below to the members of the National University Council:

- (1) Those elected from among the presidents of national universities by their mutual vote ..... 6;
- (2) Those recommended by the Science Council of Japan from among their members ..... 4;
- (3) Those recommended by the body organized by the professors, assistant professors and full-time lecturers of universities throughout the nation from among its members ..... 3;
- (4) Persons of learning and experience for whom the concurrence of both the House of Representatives and the House of Councillors has been obtained ..... 10.

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3. In case the member under item (1) of the preceding paragraph lost the position of university president, and in case the member under item (2) or (3) lost membership of the respective body which he had held, he shall of necessity retire from his office.
4. Each time there occurred a vacancy in the membership mentioned in paragraph 2 items (1) to (4) inclusive, the Minister of Education shall appoint a new member to fill the vacancy through procedures provided for in each item of paragraph 2.
5. The details of the election of the members by mutual vote under paragraph 2 item (1) shall be provided for by Ministry of Education Ordinance, and the methods of recommendation of the members under items (2) and (3) of the same paragraph shall be respectively by the body mentioned in the item concerned.
6. In case the term of office of the members under paragraph 2 item (4) has expired or there has occurred a vacancy in the membership and yet the concurrence of both Houses cannot be obtained because the Diet is not in session or the House of Representatives has been dissolved, the Minister of Education may, regardless of the provision of paragraph 2 item (4), appoint members from among the persons of learning and experience without the concurrence of both Houses.
7. When the action under the preceding paragraph has been taken the ex post facto concurrence of both Houses shall be obtained at the first session of the Diet after the appointment. In this case, if the Minister of Education failed to obtain the concurrence of both Houses, he shall remove the member concerned from office.
8. The body provided for in paragraph 2 item (3) shall be the body designated by the Minister of Education the leading members of which are more than one half of the professors, assistant professors and full-time lecturers of the universities throughout the nation, organized with a view to elevating the level of educational and research activities as well as raising the living and ideals of the members by their cooperation.
9. In case there is no such body as the one provided for in the preceding paragraph, the number of the members of the National University Council shall be 20, regardless of the provision of Article 4 paragraph 1.

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(Term of Office of Members)

Article 5. The term of office of the members of the National University Council shall be three years. However, the term of office of the member who fills the vacancy in the membership shall be the remainder of his predecessor.

2. The members may be reappointed to the office..

3. Even if the term of office of the members has expired, they shall, regardless of the provision of paragraph 1, continue to hold their office until new members are appointed.

(Chairman and Vice-chairman)

Article 6. The National University Council shall have a chairman and a vice-chairman elected by mutual vote of the members.

2. The chairman shall preside over the affairs of the National University Council.

3. The vice-chairman shall assist the chairman and shall act for him when he cannot officiate.

4. The term of office of the chairman and the vice-chairman shall be one year.

5. The chairman and the vice-chairman may be reappointed to the office.

6. The term of office of the chairman or the vice-chairman who is the successor to the one who has left his office before the expiration of his term of office shall be the remainder of his predecessor's.

(Release of Membership)

Article 7. The Minister of Education shall, in case he intends to remove a member of the National University Council from office against his will or in terms of disciplinary punishment, ask the opinion of the National University Council.

2. As for the release from office of the members under the provision of Article 4 paragraph 2 item (4), besides conforming to the provision of the preceding paragraph, the concurrence of both Houses shall be obtained. As to this concurrence, however, the provision of Article 4 paragraphs 6 and 7 shall apply mutatis mutandis.

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(Powers)

Article 8. In case the Minister of Education conducts the matters mentioned in the following items, other than those provided for by other laws, he shall in advance obtain the approval of the National University Council.

- (1) Determination of fundamental matters concerning the drafting of laws and orders related to national universities;
- (2) Determination of basic policies of preparing budget for national universities;
- (3) Determination of matters concerning establishment and abolishment of a national university, its faculties, its post graduate school, its research institutes and other important research facilities;
- (4) Determination of matters concerning the fixed number of students of a national university;
- (5) Determination of the amount of tuition fee, certification fee, admission fee, etc.

2. The National University Council may ask the report of the Minister of Education regarding the execution of budget and other important matters concerning the National University, or answer the inquiries of or give recommendations to the Minister of Education.

(Convening of Conference)

Article 9. The conference of the National University Council shall be convened by the chairman.

2. There shall be two kinds of conference, regular one and temporary one. The regular conference shall be held three times a year, while the temporary conference shall be held whenever the chairman recognizes it necessary or five or more members request to hold one.

(Proceedings)

Article 10. The chairman shall preside over the conference of the National University Council.

2. The National University Council may not conduct proceedings nor make decisions, unless the majority of the members are present.

3. Any decision on the proceedings of the Council shall be made by the majority of the members who are present, and by the chairman in case the votes are equally divided.

(Details of Proceedings and Operation)

Article 11. Other than those provided for by this Law, necessary matters concerning the details of proceedings and operation of the National University Council shall be decided by the National University Council.

(Remuneration and Compensation of Expenses for Members)

Article 12. The members of the National University Council shall be in part-time service.

2. The members shall receive no remuneration for the performance of their duties.
3. The members shall be compensated for the expenses needed for the performance of their duties.

(General Affairs)

Article 13. The general affairs of the National University Council shall be handled by the Higher Education and Science Bureau, Ministry of Education.

### Chapter III Council

(Establishment)

Article 14. A council shall be established in the national university.

(Councillors)

Article 15. The Council shall be composed of a certain number of councillors not exceeding 30 determined by the president of the university concerned after the deliberation of the Council.

2. The councillors shall be appointed by the Minister of Education from among the persons mentioned in the following items:

- (1) Those persons of learning and experience selected by the president after the deliberation of the Council;
- (2) Those professors of the university concerned selected by the Senate of that university according to the method it has decided for itself;
- (3) The president.

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3. The number of the councillors appointed from among those provided for in item (2) of the preceding paragraph may not exceed one third of the total number of councillors.

(Term of Office of Councillors)

Article 16. The term of office of the councillors other than the president of the university shall be two years.

2. The councillors may be reappointed to the office.
3. The term of office of the councillor who fills the vacancy in the membership shall be the remainder of the term of office his predecessor.

(Chairman)

Article 17. The Council shall have a chairman, and the president shall be the chairman.

2. The chairman shall preside over the affairs of the Council.
3. When the chairman cannot officiate, a councillor nominated in accordance with the order determined in advance by the chairman shall act for him.

(Matters to be Deliberated on by the Council)

Article 18. The Council shall answer the inquiries of or give recommendations to the president concerning the educational and research activities and the operation of the university concerned. With regard to the matters mentioned in the following items, however, the president shall hear the opinion of the Council in advance:

- (1) Matters concerning establishment, amendment and abolishment of important regulations;
- (2) Matters concerning compilation of budget plan;
- (3) Matters concerning establishment and abolishment of faculties, departments, post graduate school, research institutes and other important facilities;
- (4) Matters concerning establishment of standards concerning personnel affairs;
- (5) Matters concerning the determination of the fixed number of students to be newly enrolled.

(Proceedings)

Article 19. The chairman shall convene the conference of the Council and shall act as its chairman.

2. The provisions of Article 10 paragraphs 2 and 3 shall apply mutatis mutandis to the proceedings of the Council.

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(Details of Proceedings and Operation)

Article 20. The provision of Article 11 shall apply mutatis mutandis to the details of proceedings and operation of the Council.

(Remuneration and Compensation of Expenses for Members)

Article 21. The provision of Article 12 shall apply mutatis mutandis to the remuneration and compensation of expenses for the councillors.

#### Chapter IV Senate

(Establishment)

Article 22. The Senate shall be established at a national university which has several faculties.

(Senators)

Article 23. The Senate shall be composed of the senators listed below:

- (1) President of the university;
- (2) Deans;
- (3) Two professors of each faculty.

2. The senators under item (3) of the preceding paragraph shall be selected by the Faculty Meeting of each faculty from among the professors of the faculty concerned.

3. According to the circumstances of the university concerned, the heads of the attached research institutes, professors belonging thereto as well as the chief of library, chief of attached hospital and other personnel equivalent to them may be made senators in accordance with the regulations established by the Senate.

(Term of Office of the Senators Who are Professors)

Article 24. The term of office of the senators who are professors shall be two years, and they may be reappointed to the office.

(Powers)

Article 25. The Senate shall, unless otherwise provided for in this Law or other laws, deliberate and decide on the matters listed below:

- (1) Matters mentioned in Article 18 items (1) to (5) inclusive;
- (2) Matters concerning liaison and coordination between faculties and between departments, secretariat, etc.;

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- (3) Matters concerning preparation of drafts of matters to be put to discussion of the Council;
- (4) Matters concerning disposal of matters reported or recommended by the Council;
- (5) Matters concerning welfare of students and educational personnel;
- (6) Matters concerning disciplinary punishment of students to be made after the deliberation of the Faculty Meeting of the faculty concerned;
- (7) Other important matters concerning administration of the university concerned.

(Proceedings and Operation)

Article 26. The president shall convene the conference of the Senate, and shall act as its chairman.

#### Chapter V Faculty Meeting

(Establishment)

Article 27. The Faculty Meeting shall be established in each faculty of the national university (including the national university which has only one faculty (referred to as "Tanka-Daigaku" = "Mono-facultied university"); hereinafter the same in this Chapter)

(Organization)

Article 28. The Faculty Meeting shall be composed of the dean (the president in case of a mono-facultied university; hereinafter the same in this Chapter) and all professors of the faculty concerned.

2. Assistant professors and full-time lecturers may participate in the Faculty Meeting in accordance with the regulations provided for by the Faculty Meeting consisting of the dean and professors.

(Matters to be Deliberated on)

Article 29. The Faculty Meeting shall, unless otherwise provided for in this Law or other laws, deliberate and decide on the matters enumerated below of the faculty concerned:

- (1) Matters concerning establishment and abolishment of departments, chairs (including their substitutes) as well as educational and research facilities;

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- (2) Matters concerning kinds and compilation of courses;
- (3) Matters concerning authorization of admission and graduation of students;
- (4) Matters concerning examination of students;
- (5) Matters concerning student bodies, student activities and student life;
- (6) Matters concerning disciplinary punishment of students;
- (7) Other matters concerning educational and research activities and operation of the faculty concerned.

(Exceptional Provision for Mono-facultied University)

Article 30. At the Mono-facultied University the Faculty Meeting shall have the powers of the Senate.

(Delegates Meeting)

Article 31. In case it is difficult to have Faculty Meetings frequently owing to the mono-facultied university or one faculty being dispersedly located at several places, the Delegates Meeting may be established after the deliberation of the Faculty Meeting.

2. The powers of the Delegates Meeting, the way of selecting the delegates and matters concerning the operation of the Delegates Meeting shall be decided by the Faculty Meeting.

(Faculty Meeting of Attached Research Institute)

Article 32. The Faculty Meeting shall be established at the research institute attached to the national university. However, it may be dispensed with according to the circumstances of the attached research institute after the deliberation of the Senate.

2. The personnel equivalent to professors and assistant professors may participate in the Faculty Meeting of the attached research institute in accordance with the regulations provided for by the Faculty Meeting consisting of the chief and professors of the attached research institute.
3. Other than the provision of the preceding paragraph, the provisions concerning the Faculty Meeting of the faculty shall apply mutatis mutandis to the Faculty Meeting of the attached research institute.

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(Proceedings and Operation)

Article 33. The dean (the chief of the attached research institute in case of a research institute) shall convene the conference of the Faculty Meeting and shall act as its chairman.

2. The proceedings and the method of operation of the Faculty Meeting shall be decided by the Faculty Meeting.

Chapter VI President

(Term of Office)

Article 34. The term of office of the president shall be decided by the university concerned in between three and six years.

2. The president may be reappointed to the office, according to what may be prescribed by the university concerned.

(Responsibilities)

Article 35. The president shall preside over the educational and research activities of the university concerned, and shall represent it.

2. The president shall be held responsible for the operation of the university concerned in accordance with the policies decided by the Senate.
3. The president shall send a written annual report to the National University Council and to the Council of the university concerned according to what may be prescribed by the Ministry of Education Ordinance.

Chapter VII Dean

(Term of Office)

Article 36. The term of office of the dean shall be decided by the Faculty Meeting of the faculty concerned not exceeding three years.

2. The dean may be reappointed to the office, according to what may be prescribed by the faculty concerned.

(Responsibilities)

Article 37. The dean shall preside over the educational and research activities of the faculty concerned, and shall represent it.

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2. The dean shall be held responsible for the operation of the faculty concerned in accordance with the policies decided by the Faculty Meeting concerned.

(Responsibilities of Chief of Attached Research Institute which has Faculty Meeting)

Article 38. As to the chief of the attached research institute which has the Faculty Meeting, the provision of the preceding Article shall apply *mutatis mutandis*.

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Supplementary Provisions:

(Date of Enforcement)

1. The date of enforcement of this Law shall be provided for by Cabinet Order within a period not exceeding three months from the day of its promulgation.

(Appointment of Initial Members of the National University Council)

2. If the Diet is not in session or the House of Representatives has been dissolved at the time of the enforcement of this Law, the initial members of the National University Council may, regardless of the provision of Article 4 paragraph 2 item (4), be appointed without obtaining the concurrence of both Houses.

3. In case of the preceding Article, the ex post facto concurrence of both Houses shall be obtained at the first session of the Diet after the appointment. In this case, if the Minister of Education failed to obtain the concurrence of both Houses, he shall remove the member concerned from office.

(Convening of the First Conference of the National University Council)

4. The Minister of Education shall, regardless of the provision of Article 9, convene the first conference of the National University Council under this Law.

(Term of Office of the Initial Members)

5. The term of office of the initial members under Article 4 paragraph 2 item (4) shall be one year with three of them and two years with other three of them, regardless of the provision of Article 5 paragraph 1.
6. The members whose term of office is to be one year and those whose term of office is to be two years in accordance with the provision of the preceding paragraph shall be decided by lot.
7. The Senates and the Faculty Meetings which are existing at the time of the enforcement of this Law shall be as heretofore until the day six months after the day of the enforcement of this Law.

In the Law for Special Regulations concerning Educational Public Service, "the immediate governing body of each institution" shall be amended as shown in the right column of the following table:

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Art. & par.	Matters to be taken charge of by "the immediate governing body of each institution"	Administrative Organ as amended by the University Control Law
Art. 4 par. 1	Evaluation concerning initial appointment of presidents and chief administrators as well as initial appointment and promotion of teachers	<ul style="list-style-type: none"> <li>(1) The Senate in regard to the president in accordance with the regulations prescribed by the university concerned.</li> <li>(2) The president in regard to deans and the chiefs of attached research institutes which have Faculty Meetings after the deliberation of the Faculty Meetings concerned, and the president in regard to other chief administrators after the deliberation of the Faculty Meetings.</li> <li>(3) The president in regard to teachers of faculties and attached research institutes which have Faculty Meetings after the deliberation of the Faculty Meeting concerned, and the president in regard to other teachers after the deliberation of the Senate.</li> </ul>
Art. 4 par. 2	Establishment of the standard for the above-mentioned evaluation.	<ul style="list-style-type: none"> <li>(1) The president in regard to the president after the deliberation of the Senate.</li> <li>(2) The president in regard to deans and the chiefs of attached research institutes which have Faculty Meetings after the deliberation of the Faculty Meeting concerned and the Senate, and the president in regard to other chief administrators after the deliberation of the Senate.</li> <li>(3) The president in regard to teachers of faculties and attached research institutes which have Faculty Meetings after the deliberation of the Faculty Meeting concerned and the Senate, and the president in regard to other teachers after the deliberation of the Senate.</li> </ul>
Art. 5 pars. 1 to 5 inclusive	Inquiry to be made in case of transfer of president, teachers and chief administrators against their will.	<ul style="list-style-type: none"> <li>(1) The Senate in regard to the president.</li> <li>(2) The Senate in regard to teachers of faculties and attached research institutes which have Faculty Meetings after hearing the opinion of the Faculty Meeting concerned, and the Senate in regard to other chief administrators.</li> </ul>

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(3) The Senate in regard to ~~teachers~~ of faculties and attached research institutes which have Faculty Meetings after hearing the opinion of the Faculty Meeting concerned, and the Senate in regard to other teachers.

Art. 6	Inquiry to be made in case of dismissal of presidents, teachers and chief administrators and demotion of teachers, against their will.	Same as in the case of Article 5.
Art. 7	Determination, in each case, of the period of temporary retirement of presidents, teachers and chief administrators necessitated owing to mental or physical debility.	The president after the deliberation of the Senate.
Art. 8 par. 1	Determination of the tenure of office of presidents and chief administrators.	The president after the deliberation of the Senate; however, in regard to deans and chiefs of attached research institutes which have Faculty Meetings, deans or chiefs of attached research institutes.
Art. 8 par. 2	Determination of the age-limit of teachers.	The president based on the decision of the Senate.
Art. 9	Inquiry concerning the disciplinary punishment of presidents, teachers and chief administrators of national universities.	The Senate (however, same as in the case of Article 5 with regard to dismissal in terms of disciplinary punishment.)
Art. 10	Representation on employment, dismissal, temporary retirement and disciplinary punishment of presidents, teachers and chief administrators of universities.	The president.
Art. 11	Providing necessary matters with regard to the performance of duty of presidents, teachers and chief administrators.	The president after the deliberation of the Senate.
Art. 12 par. 1	Making evaluation of work performance and the measure taken in accordance with the result of the evaluation concerning presidents, teachers and chief administrators.	(1) The president in regard to the president after the deliberation of the Senate. (2) Same as in the case of Art. 4 par. 1 item (2) in regard to chief administrators.

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(3) Same as in the case of Art. 4 par. 1 item (3) in regard to teachers.

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Art. 12 par. 2	Establishment of the standard for the above-mentioned evaluation of work performance.	The president after the deliberation of the Senate.
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Art. 19 par. 2	Forming plans concerning the study and self-government and making efforts for their realization.	Minister of Education after the deliberation of the National University Council.
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Remarks:

- (1) In case of making inquiries under Articles 5, 6 and 9, all matters concerning the status of teachers of schools attached to universities shall be in the powers of the Senate.
- (2) If the person who is to be subject to the inquiry is the chairman of the conference of the Senate or the Faculty Meeting at which inquiry is to be made concerning the dismissal, transfer, etc. of the president, the dean, or the chief of attached institute which has the Faculty Meeting, other person shall be nominated to act as chairman with regard to the inquiry concerned.
- (3) The selection of the president in case of establishment of a new university shall, regardless of the provision of Article 4 paragraph 1 of the Law for Special Regulations concerning Educational Public Service, be made by the Minister of Education after the deliberation of the University Chartering Council.
- (4) Until the year in which the formation of the faculties is completed and the professors as many as one half or more of the fixed number of professors of the faculties are appointed, the selection for employment of deans and teachers of the faculties concerned shall, regardless of the provision of Article 4 paragraph 1 of the Law for Special Regulations concerning Educational Public Service, be made by the president of the university after the deliberation of the University Chartering Council.

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(5) The persons who are actually holding the positions of the presidents, chief administrators and teachers of national universities at the time of the enforcement of the University Control Law shall be regarded as having been employed through the procedures provided for in this Law respectively, and may continue to hold their positions until their respective term of office expires. However, presidents and chief administrators whose term of office is not fixed may hold their positions for four years beginning from their appointment.

Note: All provisions concerning personnel affairs will be prescribed in the Law for Special Regulations concerning Educational Public Service and are not, accordingly, prescribed in the University Control Law.

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