Spec Negotiators re Ed Pub Serv

Dr. Loomis
26-5679

From: CIE To: Govt Sec Date: 6 March 51

2. CIE perceives no objection to subject draft legislation.

1 Incl
n/c

- -D. H. E.- - - - - - - - - - - -

Edw Amdt O # 5

Government Section
Buck Slip

3/2 1950

FROM: NEP

TO:	INITIAL	DATE
CHIEF		
EX OFF		
DEPUTY CHIEF		
Col Wheeler		
Chief Adm Div		
Stat & Review		
Civil Serv Div		
Par & Pol Div		
✓ Public Aff Div		
Public Adm Div		
Admin Asst		
Personnel Clerk		
Chief Clerk		
File		

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION
- APPROVAL
- INITIAL
- ✓ COMMENT OR CONCUR
- RETAIN
- RETURN
- FIL
- BURN

2 March 51.

No objection
N.E

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

2 March 1951

MEMORANDUM FOR: The Record

SUBJECT: Amendments to the Educational Public Service Law

1. Reference: Proposed Amendments to the Bill for Partial Amendments to the Law for the Special Regulations Concerning Educational Public Service; House of Councillors, 1 March 1951, proposed by Mr Giro Horikoshi (GB) and four others.

2. Civil Service Division does not feel that the proposed amendments, especially the amendment to Paragraph 4 of the Supplementary Provisions, contribute to a satisfactory solution of the problem of teachers organizations. However, the proposals do not violate any basic SCAP policy, therefore, Civil Service Division does not wish to intervene.

JOSEPH L. SPEICHER
Acting Chief, Civil Service Division

HOUSE OF COUNCILLORS

Tues., March 20, 1951

Title

Proposed Amendments to the Bill for Partial Amendments to the Law for the Special Regulations concerning Educational Public Service

I hereby certify that the above-mentioned amendments do not violate any directive issued by the Supreme Commander for the Allied Powers, the Constitution and any laws of Japan.

For the Director

Minoru Kishida

Minoru Kishida
Chief of 2nd Division
of the Legislative Bureau,
House of Councillors

Rec'd GS 3/20/51

Cleared 3/22 GS (Williams)

accepted by H.C. Committee

DECLASSIFIED AUTH: NARA DATE 12-18-90 E.O. 12356 SEC. 3(E) AND 3(B) OR (E) NNCP # 779012

6HOUSE6OF COUNCILLORS
HOUSE OF COUNCILLORS

Tues., March 20, 1951

Title

Proposed Amendments to the Bill for Partial Amendments to the Law for the Special Regulations concerning Educational Public Service

I hereby certify that the above-mentioned amendments do not violate any directive issued by the Supreme Commander for the Allied Powers, the Constitution and any laws of Japan.

For the Director

Minoru Kishida

Minoru Kishida
Chief or 2nd Division
of the Legislative Bureau,
House of Councillors

Rec'd GS 3/20

Cleared 3/22 GS (Hollis)

Not accepted by H.C. Committee

DECLASSIFIED AUTH PROS SEC. 3(E) AND 3(D) OR (E) NNDG # 779012

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: LS/LAJ Date: 2 April 1951 — Capt Harris 26-6076
1.	1. Immediate introduction of the attached draft amendment in the Diet is proposed by House of Representatives. 2. Your prompt comment is requested. 1 Incl Draft Amend to Bill for Partial Amends to Law for Special Regulation concerning Educational Public Services.
	G. A.

Subject: Draft Amendment to Bill for Partial Amends to Law for Special Regulation concerning Education Public Services.

From: LS To: GS Date: 5 April 1951
C. J. Smith, 57-8645

2. No legal objections.

1 Incl. w/d

- A.C.C. - - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	
1.	From: Govt Sec To: CIE Date: 2 April 1951 Capt Norris 26-6076 1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives. 2. Your prompt comment is requested. 1 Incl Draft Amend to Bill for Partial Amends to Law for Special Regulation concerning Educational Public Services
2.	000.8 From: CIE To: Govt Sec Mr. Trainor 26-5679 Date: 4 April 1951 CIE perceives no objection to proposed legislation. 1 Incl n/c -D. R. N.-

Government Section
Buck Slip

4/2 1950

FROM: VIP

TO:	INITIAL	DATE
_____	CHIEF.....	.....
_____	EX OFF.....	.....
_____	DEPUTY CHIEF.....	.....
_____	Col Wheeler.....	.....
_____	Chief Adm Div.....	.....
_____	Stat & Review.....	.....
✓	Civil Serv Div.....	.....
_____	Par & Pol Div.....	.....
_____	Public Aff Div.....	.....
_____	Public Adm Div.....	.....
_____	Admin Asst.....	.....
_____	Personnel Clerk.....	.....
_____	Chief Clerk.....	.....
_____	File.....	.....

For:

_____ INFORMATION
_____ NECESSARY ACTION
_____ ACTION (Prepare reply)
_____ APPROVAL
_____ INITIAL
✓ COMMENT OR CONCUR
_____ RETAIN
_____ RETURN
_____ FILE
_____ BURN

No objection
mwj 2 Apr '51

March 31, 1951.

Title of the Bill: Draft Amendment to the Bill for Partial Amendments to the Law for the Special Regulation concerning Educational Public Service. (Proposed by OKA Nobuemon)

I hereby certify that the above mentioned Bill does not violate any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, and that any provision of this Bill, except those providing for exceptions, does not contradict any other law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

HOUSE OF COUNCILLORS

May 31, 1951.

Agreement Reached in the Joint Conference of Both Houses on Amendments to the Bill for Partial Amendments to the Law for the Special Regulations concerning Educational Public Service.

As to the amending provision of Article 14, paragraph 1, it shall be as the Draft decided by the House of Representatives.

In paragraphs 4,5 and 6 of the Supplementary Provisions of the Draft decided by the House of Councillors "Oct. 31," shall be amended as "May 10,".

The rest shall be as decided by the House of Councillors

With the agreed amendments inserted, the whole amendment text reads as in the attached paper.

Rec'd GS 6/1/51

Cleared JW.

Proposed Amendments to the Bill for Partial Amendments to the Law for the Special Regulations concerning Educational Public Service

The Bill for Partial Amendments to the Law for the Special Regulations concerning Educational Public Service (Law No. 1 of 1949) shall be partially amended as follows:

Following shall be added next to the amending provision of Article 11:

Following proviso shall be added to Article 14, par. 1;

Provided that the appointing authorities may, in case they deem it especially necessary, extend <u>within the limit the budget allows</u> the period of temporary retirement up to full three years.

The following proviso shall be added to paragraph 1 of the Supplementary Provisions.

Provided that the amending provisions of Article 21-(3), Article 23 par. 2, Article 25-(4) and Article 25-(5) shall apply as from February 13, 1951.

Paragraph 4 of the Supplementary Provisions shall be amended as follows:

4. The personnel of the schools established by local public bodies in To, Do, Fu or Prefecture may, within the period up to <u>May 10, 1952</u>, form or join an organization in order to negotiate with competent authorities of To, Do, Fu or Prefecture concerning compensation, duty hours or other working conditions, together with the personnel of the schools established by the To, Do, Fu or Prefecture concerned or by the other local public bodies in the To, Do, Fu or Prefecture concerned.

The following four paragraphs shall be added next to the same paragraph;

5. The personnel organizations under the preceding paragraph may continue until May 10, 1952.

6. In regard to the personnel organizations under paragraph 4, the provision of Article 25-(6) paragraph 1 of the amended Law for the Special Regulations concerning Educational Public Service shall apply to them, within period up to May 10, 1952, they being regarded as the personnel organization of the personnel of the schools established by the To, Do, Fu or Prefecture in accordance with the provision of Article 52 paragraph 1 of the Local Public Service Law.

7. In regard to the application of the provisions of Article 53 to 55 inclusive of Local Public Service Law, the personnel organizations under paragraph 4 shall be regarded as the personnel organization of the personnel of To, Do, Fu or Prefecture in accordance with the Provision of Article 52 paragraph 1 of the same Law.

8. In regard to the application of the provisions of Article 52 paragraph 5 and Article 56 of Local Public Service Law, the personnel organization under paragraph 4 shall be regarded as the personnel organization in accordance with the provision of Article 52 paragraph 1 of the same Law.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: CIE Date: 23 February 1951
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Education Ministry. 2. Your prompt comment is requested. 1 Incl Religious Juridical Persons Bill

Capt Harris
26-6076

C. I.

P & P Div

(9)

Religious Juridical Persons.

From: CIE To: Govt Sec

W.K. Bunce 57-8313
26 February 1951

2. 1. CIE has no objection to introduction of the attached draft bill in the Diet as proposed by Education Ministry.

1 Incl
n/c

- D. R. M. - - - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: [redacted] Date: 23 February 1951 Capt Norris 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Education Ministry. 2. Your prompt comment is requested. 1 Incl Religious Juridical Persons Bill

C. I.

P & P Div

Edw

WFM/RMC/LMS/IE/kh

Mr. Eisenstein, 26-6664

From: ESS To: GS Date: 6 MAR 1951

2. 1. Reference is C/N 1 from GS to ESS, dated 23 Feb 51, subj: Draft legislation, submitting the Religious Juridical Persons Bill.

2. No objection is interposed to the introduction of reference Bill in the Diet.

1 Incl
w/d

- W. F. M. - - - - - - - - - - -

GENERAL HEADQUARTERS
APO 500
822
A 2-33

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Norris

Note No.	From: Govt Sec To: [illegible] Date: 23 February 1951 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Education Ministry. 2. Your prompt comment is requested. 1 Incl Religious Juridical Persons Bill

C. I. _____

P & P Div

7/23

Subject: Religious Juridical Persons Bill

(Educa)

From: LS To: GS Date: 27 February 1951
C.J.Smith, 57-8345

1. This Section has no legal objections to the bill.

2. While it may appear that the bill is unduly taken up with administrative details concerning applications, registrations, authentications, re-examinations, regulations, alterations, withdrawals, mergers, dissolutions, etc., of the religious juridical persons involved, the desirability of minutely setting forth such matters was explained by Mr. Woodard, CJAB, to the satisfaction of LS at a conference at this office attended also by Messrs. Hauge and Cottrell, GS.

3. The penalties (non-criminal fines) for crimes involving false (presumably intentional) statements (Article 88 (1) (2) (4)) appear excessively lenient in comparison with general standards of punishment. Also, LS has always discouraged the continuation of the system of "non-criminal fines".

4. Article 14, paragraph 2, provides that when the competent authority decides that he cannot authenticate the regulations submitted by an applicant, he shall give it an opportunity to "state his opinions". However, no public hearing is accorded an applicant who may desire to contest the decision. Although it is appreciated that public hearings in such instances might provoke considerable argument and disorder, which the religious juridical persons naturally wish to avoid, it is nevertheless believed that open hearings would provide a more democratic method of handling all such matters.

(Continued)

2. Contd.

5. Although it is provided in paragraph 3 of Article 14 that when the competent authority is the Minister of Education and decides that he cannot authenticate the regulations involved, he shall consult beforehand the religious Juridical Persons Council and hear its opinion, and although in paragraph 4 of Article 16 it is similarly provided that when the competent authority is a prefectural governor he shall, before making his decision, hear beforehand the opinion of the Council through the Minister of Education, it should be remembered that the members of the Council are the appointees of the Minister of Education (Article 72). Whether under the circumstances the function of such a Council would serve as a check on the two authorities is open to doubt. If it is not feasible to devise a system providing for the appointments to the Council on the basis of nominations by the Religious Corporations themselves, LS is inclined to consider the Council a superfluous institution. This tendency toward creating "advisory councils" has frequently been critized. In the present case the Council will certainly only further delay the already sufficiently complicated administrative process.

1 Incl

- A.C.C - - - - - - - - - - - - - -

Religious Journalists Person

Government Section
Buck Slip

2/23 1950

FROM: PAP

TO:	INITIAL	DATE
CHIEF		
EX OFF		
DEPUTY CHIEF		
Col Wheeler		
Chief Adm Div		
Stat & Review		
Civil Serv Div		
Par & Pol Div	✓	
Public Aff Div		
Public Adm Div		
Admin Asst		
Personnel Clerk		
Chief Clerk		
File		

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION
- APPROVAL
- INITIAL
- ✓ COMMENT OR CONCUR
- RETAIN
- RETURN
- FIL
- BURN ctm

Retired 51

No objection
Me

Bill

Submitted to GS for Clearance
through Legislative Affairs Section,
Liaison Bureau, Ministry of Foreign Affairs
(Tel. 57-6010)

Feb. 23, 1951

1. Number: FOM No. 54

2. Title: Religious Juridical Persons Bill.

3. Office in Charge: Ministry of Education

4. Date of Cabinet Approval: Feb. 16, 1951

5. SCAP Section concerned: Mr. W. P. Woodard,
Religious and Cultural Resources Division,
CIE.

6. Remark (Reference):

See attached paper.

7. GS Reviewers:

Received by GS

Date 2/23/51

Cs: CIE
ESS
LS/LJ
CS/PA

No. 4

Date: February 2, 1951

Title of draft Law ~~Cabinet Order~~

~~Draft~~ Religious Juridical Persons Bill ~~Law~~

The above draft Law ~~Cabinet Order~~ has been reviewed and approved by the Administrative Management Agency.

Katsuhiko Onogi

Katsuhiko ONOGI,
Deputy Director,
Administrative Management Agency.

Bill

Submitted to GS for Clearance
through Legislative Affairs Section,
Liaison Bureau, Ministry of Foreign Affairs
(Tel. 57-6010)

Mar. 9, 1951

1. Number: ~~FOM No. 126~~ Revision to FOM NO. 63.

2. Title: Bill concerning the Supply of Textbooks to the Children who enter the School in the Year 1951.

3. Office in Charge: Ministry of Education

4. Date of Cabinet Approval: Mar. 9, 1951

5. SCAP Section concerned: Mr. W. E. Morgan,
Education Division, CI&E.

6. Remark (Reference):

Law No. 26 of 1947: Official Gazette dated Mar. 31, No. 298.

~~FOM No. 63 was withdrawn~~.

7. GS Reviewers:

Received by CB

Date 3/9/51

Copy to GS (Rizzo)
Cleared by GS/Matsukata
3/14/51

10

Government Section
Buck Slip

9 Mar 1950

FROM: P+P Div

TO:	INITIAL	DATE
CHIEF		
EX OFF		
✓ DEPUTY CHIEF		
Col Wheeler		
Chief Adm Div		
Stat & Review		
Civil Serv Div		
Par & Pol Div		
Public Aff Div	M.M. Matsuhata	
Public Adm Div		
Admin Asst		
Personnel Clerk		
Chief Clerk		
File		

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION
- APPROVAL
- INITIAL
- ✓ COMMENT OR CONCUR
- RETAIN
- RETURN
- FIL
- BURN

CB.

Revised Text

Edward Matsuda

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Norris

Note No.

From: Govt Sec To: ESS Date: 24 February 1951

26-6076

1. Immediate introduction of the attached draft bill in the Diet is proposed by

Ministry of Education

2. Your prompt comment is requested.

1 Incl
Bill for Supply of Textbooks to Children Who Enter Schools in 1951

C. W.

WFM/EMR/WKE/em
Mr. Etter, 26-6155

File No: 010(24 Feb 51)ESS/PF

3 MAR 1951

From: ESS To: Govt Sec

2

1. Objection is made to the introduction of the subject bill into the Diet in its present form, on the ground that the program as proposed does not conform with the recently initiated system of local government finance, based on independent Local Taxes, an Equalization Grant, and Promotional Subsidies which shall be temporary in their nature.

2. The subsidized program, as outlined in the subject bill, though legalized for one year only, can be construed neither as promotional nor temporary. It is intended to be a long term compulsory program, and it is admitted by the Education Ministry to be only one step in a more extensive program to require the local governments to provide, free of charge, all textbooks used in all nine grades of the compulsory education system.

3. The program, as outlined in the bill, conflicts with the two purposes for which the new local government finance system was adopted, which are the following:

a. to stabilize and strengthen the finances of local governments,

b. to foster democratic government in Japan, through the promotion of local autonomy.

(cont'd.)) 3. The subject bill prescribes compulsory expenditures on the part of local governments for a purpose, which though laudable, can hardly be considered a warranted or necessary expense of local government at a time when all local governments are faced with serious problems of post-war reconstruction. The program prescribed, which provides only for the free distribution of arithmetics and language books used in the first grade, is estimated by the Education Ministry to cost about ¥279,471,045, half of which expense is to be borne by the local governments. On this basis, the wider program eventually contemplated for all nine grades of the compulsory education system, would probably cost in the neighborhood of ¥5 billion. It is believed that there is no valid reason for shifting the burden of this expenditure from the parents of school students to the government. The cost of the textbooks covered under the subject bill are estimated at only ¥196 per student per year, a cost equivalent to the price of an ordinary meal or a bottle of beer in a cafe and therfore, no exceptional burden on the average parent. The aggregate cost of the program, on the other hand, would prove a serious burden on government finance. It is agreed that the government might reasonably provide free textbooks in the case of indigent families, since the government has an obligation to guarantee compulsory education and to consider public welfare, however, such a program should be provided for under a welfare program, based on a sound policy of government finance.

4. The subject bill also prescribes that the local governments "shall supply the textbooks.....as provided for by Cabinet Order", thereby empowering the central government not only to interfere in the determination of services and costs of local governments, but to control to a large degree what students learn and how they think. Neither of these activities is considered to be consistent with the policy of fostering democratic government in Japan, or promoting local autonomy.

5. It is suggested that the subject bill be revised to state that local governments may voluntarily adopt the program outlined in the bill. If such revision is made, the subsidy provided can then be construed as a promotional subsidy, and the objections to the bill set forth above will largely be eliminated.

1 Incl
n/c

- W. F. M. - - - - - - - - - - - - - - - -

RAMS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Norris
26-6076

Note No.	From: Govt Sec To: LS/LJ Date: 24 February 1951
	1. Immediate introduction of the attached draft bill in the Diet is proposed by Education Ministry
	2. Your prompt comment is requested.
	1 Incl
	Bill for Supply of Textbooks to Children Entering School in 1951
	C. S.

P&P

2/24

Subject: Bill for Supply of Textbooks to Children Entering School in 1951

(Educ)

From: LS To: GS Date: 1 March 1951
F.C.Goodman, 57-8488

2.

1. This Section has no legal objections to subject bill which provides that cities, towns and villages shall furnish to children who enter the first grade of the elementary schools in the school year of 1951, textbooks of the national language and arithmetic; and the Boards of Education of To, Do, Fu and prefectures shall supply the textbooks of the national language and arithmetic and other subjects to children who enter the first grade of elementary sections of the schools for the blind and for the deaf. The bill further provides that the expenses needed for the supplying of such textbooks shall be borne by the local entities or the To, Do, Fu and prefectures concerned and the national government shall subsidize half of such expenses, within the limits of its budget.

2. While the policy questions involved are of primary concern to CI&E, ESS and GS, LS wishes to point out the following:

a. The requirement by the national government that local entities supply free textbooks to their children, even though the expense thereof is partly subsidized by the national government, may possibly be considered as violating the spirit of local autonomy.

2 (contd.) b. The local entities may not be financially able to bear the cost of such textbooks or, even though financially able, provisions for such expenses may not have been considered in their budgets or in the grants under the Local Finance Equalization Grant Law.

1 Incl.
w/d

- - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.

Capt Norris

From: Govt Sec To: CIE 26-6076 Date: 24 February 1951

1. Immediate introduction of the attached draft bill in the Diet is proposed by Ministry of Education

2. Your prompt comment is requested.

1 Incl
Bill for Supply of Textbooks to Children Entering School in 1951

C. S.

000.8
From: CIE To: Govt Sec Mr. Trainor 26-5879 Date: 28 February 1951

2 CIE has no objection to subject draft legislation.

1 Incl
n/c

D. R. M.

GOVERNMENT SECTION

5 March 1951

MEMORANDUM FOR: Deputy Chief, Government Section

SUBJECT : Bill for Supply of Textbooks to Children who Enter Schools in 1951

The Local Finance Commission in computing the financial needs of the local communities in the fiscal year 1951-52 included ¥139,000,000 to cover the expenses occurring with the passage of the attached draft legislation. This legislation in its original form required free textbooks for first year students in Mathematics, National Language and Science. The plan was to extend this in years to come to all compulsory education grades. The Education Ministry considered this an educational requirement under the Constitution. The Local Finance Commission in opposing this stated that the constitutional requirement only covers education facilities, and if this new interpretation were to be adopted, the Education Ministry had violated the Constitution for the past few years. The subject became a political issue and the Local Finance Commission decided to compromise if the Education Ministry would subsidize half the total cost. Due to rising costs, it is estimated that for National Language and Arithmetic textbooks for the first year the total cost would be ¥500,000,000. The Local Finance Commission opposed this bill in the Vice Ministers' Conference but was overruled.

As the figure 139,000,000 was included in the computation to determine the equalization grant the Education Ministry considers that the equivalent amount is earmarked in the Local Government Budgets. Passage of the bill would force the local governments to include the expense for the textbooks in their budget and add to financial problems. It would further give the Education Ministry a basis for drawing an exact parallel in their request to pass the Compulsory Education Standard Expense bill previously vetoed by SCAP.

M. MATSUKATA

Government Section

28 February 1951

MEMORANDUM TO: Parliamentary and Political Division

SUBJECT: Bill Concerning the Supply of Textbooks to the Children Who Enter the Schools in the Year 1951

1. Public Affairs Division objects to the subject bill.

2. The mandatory provision that elementary school children in first grade be supplied with a reader and arithmetic book by the school authorities with one-half the cost borne by the National Government appears to be a usurpation of the authority of local Boards of Education and the budgetary powers of local assemblies. It may be argued that the additional burden which may, in certain small communities, be difficult to meet can be shifted to equalization grant receipts from ordinary revenues. However, this will not be feasible on such short notice during the present year. The bill ~~xxxx~~ provides that the law shall be effective from the date of promulgation and affects children in the 1951 school year which commences in April.

3. There is another possible objection on the ground that the Diet is increasing the amount of the current budget by this bill beyond the ~~sum~~ authorized by ESS. However, it is felt that present SCAP policy will allow the Diet enough discretion in fiscal matters to permit such charges to be ~~xxxxxxxxxx~~ incurred either through reduction of other items or through re-assignment of funds.

4. The bill would not be objectionable if it followed the pattern of a conventional incentive subsidy. That is, an offer be made by the National Government to pay half the textbook cost to such communities as saw fit to supply such books on their own initiative.

NICKOLAS COTTRELL
Public Affairs Division

Bill

Submitted to GS for Clearance
through Legislative Affairs Section,
Liaison Bureau, Ministry of Foreign Affairs
(Tel. 57-6010)

Feb. 24,1951

1. Number: FOM 63

2. Title: Bill concerning the Supply of Textbooks to the Children who enter the Schools in the Year 1951

3. Office in Charge: Ministry of Education

4. Date of Cabinet Approval: Feb. 23, 1951

5. SCAP Section concerned: W.E. Morgan,
Education Division, CI&E, GHQ, SCAP.

6. Remark (Reference):

Law No. 26 of 1947: Official Gazette, dated March 31
No. 298.

7. GS Reviewers:

Received by GS

Date 2/24/51

QS:

ESS
CIE
GS/PA
LS/LJ

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: [illegible]/LaJ Date: 1 March 1951
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Education Ministry. 2. Your prompt comment is requested. 1 Incl Bill for National University Administration

Capt Norris
26-6076

P&P

C. I.

Subject: Bill for National University Administration

From: LS To: GS Date: 12 March 1951
A. C. Oppler, 57-8417

2. Since according to information from GS the bill has already been cleared for introduction in the Diet, this Section offers no comment thereon.

1 Incl.
w/d

- A.C.C. - - - - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	
	Capt Norris 26-6076 From: Govt Sec To: CI&E Date: 1 March 1951
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by **Education Ministry.** 2. Your prompt comment is requested. 1 Incl **Bill for National University Administration**
	C. I.
	000.8 From: CIE To: Govt Sec Dr. Loomis 26-5679 Date: 5 March 1951
2	CIE perceives no objection to subject draft legislation. 1 Incl n/c
	D. R. N.

Government Section
Buck Slip

3/1 1950

FROM: PAO

TO:

	INITIAL	DATE
CHIEF		
EX OFF		
DEPUTY CHIEF		
Col Wheeler		
Chief Adm Div		
Stat & Review		
Civil Serv Div		
Par & Pol Div		
✓ Public Aff Div		
Public Adm Div		
Admin Asst		
Personnel Clerk		
Chief Clerk		
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FOR:

- INFORMATION
- NECESSARY ACTION
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- INITIAL
- ✓ COMMENT OR CONCUR
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- RETURN
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Ocm

Bill

Submitted to GS for Clearance
through Legislative Affairs Section,
Liaison Bureau, Ministry of Foreign Affairs
(Tel. 57-6010)

Mar. 1, 1951

1. Number: FOM No.89

2. Title: Bill for National University Administration

3. Office in Charge: Ministry of Education

4. Date of Cabinet Approval: Feb. 23, 1951

5. SCAP Section concerned:
Dr. A.K Loomis, Chief of Education Division, CI&E.
Dr. T.H Mcgrail, University Division, CI&E.

6. Remark (Reference): Law No.1 of 1949: Official Gazette dated Jan. 12, Extra No.6.
Law No.120 of 1947: Official Gazett dated Oct. 21, No.468.

7. GS Reviewers:

Received by GS

Date 3/1/51.

CS;
CIE
LS/LS
GS/PA

No. 15

Date: February 19 , 1951

Title of draft Law
~~Cabinet Order~~

Bill for National University Administration ~~X~~
Bill for Public University Administration

The above draft Laws ~~Cabinet Order~~ has been reviewed and approved by the Administrative Management Agency.

Katsuhiko Onogi

Katsuhiko ONOGI,
Deputy Director,
Administrative Management Agency.

FO. NO. 89

Bill for National University Administration ~~Law~~

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Chapter V Faculty Meeting (Articles 27 - 33)

Chapter VI President (Articles 34 & 35)

Chapter VII Dean and Other Governing Bodies (Articles 36 - 38)

Supplementary Provisions

Chapter I General Provisions

(Purpose of this Law)

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

Article 2. The organization, powers, operation~~, etc~~. of the bodies ~~concerned with~~ concerning the administration 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 20 members.

2. The persons listed below shall be appointed by the Minister of Education as 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 its members 4;

(3) Persons of learning and experience for whom the concurrence of both the House of Representatives and the House of Councillors has been obtained ..... 10.

3. The method of election by mutual vote of the members under item (1) of the preceding paragraph shall be in accordance with what may be prescribed by the presidents of national universities after consultation among themselves, and the method of recommendation of the members under item (2) of the same paragraph shall be in accordance with what may be prescribed by the Science Council of Japan.

4. In case the member under item (1) of the paragraph 2 lost the position of university president, and in case the member under item (2) of the same paragraph lost membership of the Science Council of Japan which he had held, he shall of necessity retire from his office.

5. Each time there occurred a vacancy in the membership under each item of paragraph 2, the Minister of Education shall appoint a new member to fill the vacancy.

6. In case the term of office of the member under paragraph 2 item (3) has expired or there has occurred a vacancy in the membership and yet the concurrency 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 (3) of the same paragraph, appoint members from among the persons of learning and experience without the concurrence of both Houses.

7. ~~When the action under~~ In the case of 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 ex post facto concurrence of both Houses, he shall dismiss the member concerned.

(Term of Office of Members)

Article 5. The term of office of the members of the National University Council shall be ~~two~~ years. However, the term of office of the member who fills the vacancy in the membership shall be the remainder of term of office 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, shall act for him when he cannot officiate, and shall perform his duties when his office is vacant.

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

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

(Release of Member)

Article 7. The Minister of Education shall, in case he intends to dismiss a member of the National University Council against his will or in terms of disciplinary punishment, ask the opinion of the National University Counicl. As for the dismissal of the members under the provision of Article 4 paragraph 2 item (3), however, the concurrence of both Houses shall be obtained as well.

(Powers)

Article 8. In case the Minister of Education determines the fundamental principles listed below concerning national universities in general,

he shall in advance ~~refer to~~ hear the opinion of the National University Council ~~and hear its opinion~~

(1) Matters concerning the drafting of laws and orders related to national universities;

(2) Matters concerning estimation of budget for national universities;

(3) Matters concerning establishment and abolishment of a national universitv, its faculties, its ~~post~~ graduate school, its research institutes and other important research facilities;

(4) Matters concerning the fixed number of students of a national university;

(5) Matters concerning tuition fee, entrance examination fee, admission fee ~~, etc.~~ of a national university.

2. The National University Council may ~~ask the report of,~~ answer the inquiries of or make proposals to the Minister of Education regarding budget and other important matters concerning the national university.

(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.

3. The regular conference shall be held three times a year, while the temporary conference shall be held whenever the chairman recognizes it necessary or one-third or more of the total number of the members request to hold one presenting the matters to be submitted to the conference for deliberation.

(Proceedings)

Article 10. The chairman shall act as the chairman at the conference of the National University Council.

2. The National University Council ~~may not~~ cannot 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.~~ of a tie

(Details of Proceedings and Operation)

Article 11. Other than those provided for by this Law, details of proceedings and operation of the National University Council shall be prescribed 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. However, they may be compensated for the expenses needed for the performance of their duties.

3. The amount of the expenses to be compensated for and the method of payment thereof shall be determined by the Minister of Education after consultation with the Minister of Finance.

(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~~ The 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 Senate of the university concerned.

2. The persons listed below shall be appointed by the Minister of Education as councillors:

(1) The president;

(2) Those professors of the university concerned selected by the Senate of ~~that~~ the university concerned according to the method it has determined;

(3) Those persons of learning and experience selected by the Senate of the university concerned by the method determined by itself;

3. The number of persons provided for in item (2) of the preceding paragraph to be appointed councillors ~~may not~~ cannot exceed one-third of the fixed number of councillors.

4. In case the councillor under paragraph 2 item (1) lost the position of university president, and in case the member under item (2) of the same paragraph lost that of professor, he shall of necessity retire from his office.

5. The provision of Article 4 paragraph 5 shall apply mutatis mutandis to the case where the office of councillor other than president of university has become vacant.

(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 proviso in paragraph 1 and the provisions of paragraphs 2~~ The provisions of proviso to paragraph 1, paragraph 2 and 3 and 3 of Article 5 shall apply mutatis mutandis to ~~other~~ the councillors other than the president of the university.

(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, or his office is vacont, a councillor nominated in accordance with the order determined in advance by the chairman shall act for him or perform his duties.

(Powers)

Article 18. In case the Senate decides on the matters listed below of the university concerned, the president shall in advance ~~consult with~~ and hear the opinion of the Council:

(1) Matters concerning establishment, amendment and abolishment of the regulations of university and other important rules;

(2) Matters concerning estimation of budget;

(3) Matters concerning establishment and abolishment of faculties, departments, ~~post~~ graduate school, research institutes and other important facilities;

(4) Matters concerning the standards for personnel affairs;

(5) Matters concerning the fixed number of students.

2. The Council may answer the inquiries of or make proposals to the president concerning important matters pertaining to the educational and research activities and the operation of the university concerned.

(Proceedings)

Article 19. The conference of the Council shall be convened by the chairman, and he 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.

(Details of Proceedings and Operation)

Article 20. Other than those provided for ~~in~~ by this Law, the details of proceedings and operation of the Council shall be determined by the Council.

(Remuneration and Compensation of Expenses for Members)

Article 21. The provision of Article 12 shall apply mutatis mutandis to the councilller.

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;

(2) Deans;

(3) Two professors of each faculty;

(4) Chiefs of the attached research institutes.

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

3. In case the senator under paragraph 1 item (3) lost the position of professor, he shall of neeessity retire from his office, and in case the position of senator became vacant, the president shall appoint one in accordance with the method under the preceding paragraph to fill the vacancy from among the professors of the faculty that had been represented by the senator concerned.

4. According to the circumstances of the university concerned and in accordance with the regulations established by the Senate the number of the professors under paragraph 1 item (3) may be increased up to five, the number of the senators under item (4) of the same paragraph may be limited, or the professors of attached research institutes, the chief of attached library, chief of attached hospital and other personnels holding important offices may be made senators.

5. In case the number of the senators under paragraph 1 item (4) was limited or the professors of attached research institutes were made senators in accordance with the provision of the preceding paragraph, the appointment, retirement and term of office of these senators shall be in accordance with the regulations prescribed by the Senate concerned.

(Term of Office of Senators Who are Professors)

Article 24. The term of office of the senators under paragraph 1 item (3) of the preceding paragraph shall be two years.

2. The ~~proviso in~~ Provisions of paragraph 1 and ~~provisions of~~ paragraphs 2 and 3 of Article 5 shall apply mutatis mutandis to the senators under paragraph 1 item (3) of the preceding Article.

(Powers)

Article 25. The matters listed below of the university concerned shall be subject to the deliberation and decision of the Senate:

(1) Matters mentioned in each item of Article 18 paragraph 1;

(2) Matters concerning liaison and coordination among faculties, departments and other institutions;

(3) Matters concerning preparation of drafts of matters to be put to discussion of the Council;

(4) Matters concerning disposal of matters reported or proposed by the Council;

(5) Matters concerning welfare of personnel and students;

(6) Matters concerning disciplinary punishment of students to be made after decision of the Faculty Meeting of the faculty concerned;

(7) Other important matters concerning operation of the university concerned.

2. Other than the matters listed in the preceding paragraph, the Senate shall dispose of the matters committed to its powers by the provisions of this Law ~~or~~ and the Law for the Special Regulations concerning Educational Public Service (Law No. 1 of 1949).

(Proceedings and Operation)

Article 26. The conference of the Senate shall be convened by the president, and he shall act as its chairman.

2. Other than those provided for in the preceding paragraph, ~~the method of~~ proceedings and ~~the method of~~ operation of the Senate shall be determined by the Senate.

Chapter V Faculty Meeting

(Establishment)

Article 27. The Faculty Meeting shall be established in each faculty of the national university.

(Organization)

Article 28. The Faculty Meeting shall be composed of the dean (the president in the case of a national university which has only one faculty (hereinafter referred to as "mono-facultied university"); hereinafter the same in this Chapter) and all professors of the faculty.

2. The Faculty Meeting may include assistant professors and full-time lecturers as its members in accordance with the regulations prescribed by the Faculty Meeting composed of the dean and professors.

(Powers)

Article 29. The matters listed below of the faculty concerned shall be subject to the deliberation and decision of the Faculty Meeting:

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

(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.

2. Other than the matters listed in the preceding paragraph, the Faculty Meeting shall dispose of the matters committed to its powers by the provisions of this Law and the Law for the Special Regulations concerning Educational Public Service.

(Special Exception to ~~Exceptional Provision for~~ Mono-facultied University)

Article 30. At the mono-facultied university the Faculty Meeting composed of the president and all professors shall have the powers of the Senate.

2. In the case of the preceding paragraph, the Faculty Meeting may include the chiefs of attached research institutes and other personnels holdings important offices as its members in accordance with the regulations prescribed by the Faculty Meeting composed of the president and professors.

(Delegates Meeting)

Article 31. In case it is difficult to hold the conferences of the Faculty Meeting frequently because the facilities of one faculty of a national university which has several faculties or a mono-facultied university are dispersedly located at several places, the Delegates Meeting may be established after decision of the Faculty Meeting to execute part of the powers of the Faculty Meeting (including the powers of the Senate in the case of a mono-facultied university).

2. The Delegates Meeting shall be composed of those elected in accordance with the regulations prescribed by the Faculty Meeting and appointed by the president as delegates.

3. Other than those provided for in the preceding paragraph, the organization and powers of the Delegates Meeting and ~~other matters concerning the~~ the method of proceedings and operation of the Delegates Meeting shall be prescribed 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 concerned after the decision of the Senate.

2. The Faculty Meeting of the attached research institute shall be composed of the chief and all professors of the research institute concerned.

3. The Faculty Meeting of the attached research institute may include assistant professors, full-time lecturers or those equivalent to professors or assistant professors as its members in accordance with the regulations prescribed by the Faculty Meeting composed of the chief and professors of the research institute concerned.

4. Important matters pertaining to the research and educational activities and operation of the attached research institute which has the Faculty Meeting shall be subject to the deliberation and decision of the Faculty Meeting concerned.

5. Other than the matters listed in the preceding paragraph, the Faculty Meeting of the attached research institute shall dispose of the matters committed to its powers by the provistions of the Law for the Special Regulations concerning Educational Public Service.

(Proceedings and Operation)

Article 33. The conference of the Faculty Meeting shall be convened by the dean (the chief of the research institute concerned in the case of an attached research institute), and he shall act as its chairman.

2. Other than those provided for in the preceding paragraph, ~~the~~ proceedings and ~~the method of~~ operation of the Faculty Meeting shall be determined by the Faculty Meeting.

Chapter VI President

(Term of Office, etc.)

Article 34. The term of office of the president shall be ~~in~~ between three and six year.

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

3. Appointment and dismissal and other treatment of status of the president shall be in accordance with the provisions of the National Public Service Law (Law No. 120 of 1947) and the Law for the Special Regulations concerning Educational Public Service.

(Responsibilities)

Article 35. The president shall preside over the university concerned, and shall represent it.

2. The president shall take charge of the operation of the university concerned based on the policies determined by the Senate, and shall be ~~held~~ responsible for it. of the university concerned

3. The president shall submit a written annual report to the Council of the University concerned in accordance with the regulations prescribed by the Senate of the university concerned.

Chapter VII Dean and Other Governing Bodies

(Term of Office, etc.)

Article 36. The term of office of the dean shall not be more than three years ~~of less~~.

2. The dean may be reappointed to the office, according to the regulations prescribed by the Faculty Meeting of the faculty concerned.

3. Appointment and dismissal and other treatment of status of dean and other chief administrators shall be in accordance with the provisions of the National Public Service Law and the Law for the Special Regulations concerning Educational Public Service.

(Responsibilities)

Article 37. The dean and other chief administrator shall preside over the affairs of the faculty or department or other institution concerned and shall represent it.

2. The dean and other chief administrator shall take charge of the operation of the faculty or department or other institution concerned and shall be held responsible for it. In this case the dean or the chief of the attached research institute which has the Faculty Meeting shall comply with the policies determined by the Faculty Meeting concerned.

(Other Governing Bodies)

Article 38. Other than those provided for by this Law, the ~~public~~ national university may, according to the circumstances of the university concerned, have other governing bodies than those provided for in this Law.

2. The organization, powers and method of operation of the governing bodies under the preceding paragraph shall be prescribed by the Senate of the university concerned.

Suprlementary Provisions:

1. This Law shall come into force as from the day when three months have elapsed counting from the day of its promalgation. However, the provisions of Chapter III shall come into force as from the day when six months have elapsed counting from the day of the promalgation.

2. In this Law national universities shall not include national junior colleges.

3. 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 Minister of Education may, regardless of the provision of Article 4 paragraph 2 item (3), appoint the initial members of the National University Council from among persons of learning and experience without obtaining the concerence of both Houses.

4. In the case of the preceding ~~Article~~ paragraph, 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 ex post facto concurrence of both Houses, he shall dismiss the member.

5. The first conference of the National University Council shall, regardless of the provision of Article 9 paragraph 1, be convened by the Minister of Education.

6. The term of office of the initial members of the National University Council under Article 4 paragraph 2 item (3) shall be one year with half of them, regardless of the provision of Article 5 paragraph 1.

7. The members whose term of office is to be one year in accordance with the provision of the preceding paragraph shall be decided by lot.

8. The matters which have been deliberated and decided on by the former Senate or the Faculty Meeting before the enforcement of this Law but have not yet been excuted by the time of enforcement of this Law shall be regarded as the matters deliberated and decided on by the Senate or the Faculty Meeting under this Law.

Reason

This Bill is submitted as it is necessary to set up provisions for the organization, powers and operation of the bodies concerned with the administration of national universities in order to look to adequate administration of national universities by respecting their autonomy and making public opinion reflected upon their administration.

Reason

This Bill is submitted as it is necessary to set up provisions for the organization, powers and operation of the bodies concerned with the administration of national universities in order to look to adequate administration of national universities by respecting their autonomy and making public opinion reflected upon their administration.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris
26-6076

Note No.	From: Govt Sec To: LS/I&J Date: 1 March 1951
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Education Ministry. 2. Your prompt comment is requested. 1 Incl Bill for Public University Administration

C. I.

P & P

Subject: Bill for Public University Administration

From: LS To: GS Date: 12 March 1951
A. C. Oppler, 57-3417

2. Since according to information from GS the bill has already been cleared for introduction in the Diet, this Section offers no comment thereon.

1 Incl.
w/d

- A.C.O. - - - - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	
	Capt Norris 26-6076 From: Govt Sec To: CI&E Date: 1 March 1951
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Education Ministry. 2. Your prompt comment is requested. 1 Incl Bill for Public University Administration
	C. I.
	000.8 From: CIE To: Govt Sec Dr. Loomis 26-5679 Date: 5 March 1951
2	CIE perceives no objection to subject draft legislation. 1 Incl n/c
	- D. R. N. - - - - - - - - - - - -

Pub D. Adm Sec

Government Section
Buck Slip

3/1 1950

FROM: PJP

TO:	INITIAL	DATE
CHIEF		
EX OFF		
DEPUTY CHIEF		
Col Wheeler		
Chief Adm Div		
Stat & Review		
Civil Serv Div		
Par & Pol Div		
✓ Public Aff Div		
Public Adm Div		
Admin Asst		
Personnel Clerk		
Chief Clerk		
File		

FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION
- APPROVAL
- INITIAL
- ✓ COMMENT OR CONCUR
- RETAIN
- RETURN
- FIL
- BURN

Modified

Bill

Submitted to GS for Clearance
through Legislative Affairs Section,
Liaison Bureau, Ministry of Foreign Affairs
(Tel. 57-6010)

Mar. 1, 1951

1. Number: FOM No.90

2. Title: Bill for Public University Administration.

3. Office in Charge: Ministry of Education

4. Date of Cabinet Approval: Feb. 23, 1951

5. SCAP Section concerned:
   Dr. A.K Lemmis , Chief of Education Division, CI&E.
   Dr. T.H Mcgrail, University Division, CI&E.

6. Remark (Reference): Law No.26 of 1947: Official Gazette dated Mar. 31, No.298. Law No.1 of 1949: Official Gazette dated Jan. 12, Extra No.6. Law No.261 of 1950 Official Gazett dated Dec. 13, No.1415.

7. GS Reviewers:

Received by GS

GS: CIE
LS/LS
GS/PHS

Date 3/1/51

FORM NO. 90

Bill for Public University Administration ~~Law~~

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Chapter VII Dean and Other Governing Bodies (Articles 34 - 36)

Supplementary Provisions

Chapter I General Provisions

(Purpose of this Law)

Article 1. The purpose of this Law is to ~~look to~~ aim at the adequate administration of public universities ~~(including public junior colleges; hereinafter the same)~~ by respecting their autonomy and making public opinion reflected upon their administration.

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

Chapter II Public University Council

(Establishment)

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

(Members)

Article 4. The Public University Council shall be composed of 20 members.

2. The persons listed below shall be appointed by the Ministry of Education as members of the Public University Council:

(1) Those recommended by the chiefs of the local public bodies which establish public universities ~~(including junior colleges; hereinafter the same)~~ from among themselves..... ..... 5;

(2) Those elected from among the president of the public universities by their mutual vote 6;

(3) Those recommended by the Science Council of Japan from among its members 4;

(4) Persons of learning and experiences ..... 5.

3. The method of recommendation of the members under item (1) of the preceding paragraph shall be in accordance with what may be prescribed by the chiefs of the local public bodies concerned after consultation among themselves, the method of election by mutual vote of the members under item (2) of the same paragraph shall be in accordance with what may be prescribed by

the presidents of public universities after consultation among themselves, and the method of recommendation of the members under item (3) of the same paragraph shall be in accordance with what may be prescribed by the Science Council of Japan.

4. In case any of the members under items (1) to (3) inclusive of paragraph 2 lost the position of chief of local public body or university president, or membership of the Science Council of Japan, respectively, he shall of necessity retire from his office.

5. Each time there occurred a vacancy in the membership under each item of paragraph 2, the Minister of Education shall appoint a new member as provided for in the item concerned to fill the vacancy.

(Term of Office of Members)

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

3. The vice-chairman shall assist the chairman, shall act for him when he cannot officiate, and shall perform his duties while his office is vacant.

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

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

(Dismissal of Member)

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

4. In case any of the members under items (1) to (3) inclusive of paragraph 2 lost the position of chief of local public body or university president, or membership of the Science Council of Japan, respectively, he shall of necessity retire from his office.

5. Each time there occurred a vacancy in the membership under each item of paragraph 2, the Minister of Education shall appoint a new member as provided for in the item concerned to fill the vacancy.

(Powers)

Article 8. In case the Minister of Education determines the fundamental principles concerning the drafting of laws and orders related to public universities and other important matters concerning public universities in general, (excluding the matters which shall be inquired to the University Chatering Council in accordance with the provisions of the School Education Law Law No. 26 of 1947)), he shall in advance hear the opinion of the Public University Council.

2. The Public University Council may ask the report of, answer the inquires of or make proposals to the Minister of Education regarding important matters concerning the public university.

(Proceedings and Operation)

Article 9. The conference of the Public University Council shall be convened by the chairman, and he shall act as its chairman.

2. Other than those provided for in the preceding paragraph, the method of proceedings and the method of operation of the Public University Council shall be prescribed by the Public University Council.

(Remuneration and Compensation of Expenses for Members)

Article 10. The members of the Public University Council shall be in part-time service.

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

3. The amount of the expenses to be compensated for and the method of payment thereof shall be determined by the Minister of Education after consultation with the Minister of Finance.

(General Affairs)

Article 11. The general affairs of the Public University Council shall be handled by the Higher Education and Science Bureau, Ministry of Education.

Chapter III Public University Advisory Council

(Establishment)

Article 12. The Public University Advisory Council ~~shall~~ may be established in each local public body which establishes the public university, in accordance with what may be provided for by by-law.

(Members)

Article 13. The Public University Advisory Council shall be composed of a certain number of members not exceeding ~~30~~ 20 provided for by the ~~regulations~~ by-law of the local public body concerned.

2. The persons listed below shall be appointed by the chief of the local public body concerned as members:

(1) The president of the public university established by the local public body concerned;

(2) Those professors of the public university established by the local public body concerned selected by the Senate of that university according to the method it has decided;

(3) Those persons of learning and experience for whom the concurrence of the assembly of the local public body concerned has been obtained.

3. The number of the members provided for in items (1) and (2) of the preceding paragraph ~~may not~~ cannot exceed one half of the ~~total~~ fixed number of the members.

4. In case two or more public universities are established by the local public body concerned, the number of the members under paragraph 2 iter (2) to be selected by each university shall be provided for by ~~the regulations~~ by-law of the local public body concerned.

5. In case the member under item (1) or (2) of paragraph 2 lost the position of president or professor of university respectively, he shall of necessity retire from his office.

6. Each time there occurred a vacancy in the membership under item (2) or (3) of paragraph 2, the chief of the local public body concerned shall appoint a new member as provided for in the item concerned to fill the vacancy.

7. In case the term of office of the member under paragraph 2 item (3) has expired or there has occurred a vacancy in the membership and yet the concurrency of the assembly of the local public body concerned cannot be obtained because it is not in session or it has been dissolved, the chief of the local public body concerned may, regardless of the provision of item (3) of the same paragraph, appoint a member from among the persons of learning and experience without the concurrence of the assembly.

8. In the case of the preceding paragraph, the ex post facto concurrence shall be obtained at the first session of the assembly after the appointment. In this case, if the chief of the local public body concerned failed to obtain the concurrence of the assembly, he shall dismiss the member.

9. The chief of the local public body concerned shall, in case it intends to obtain the concurrence of the assembly for the appointment of the members under paragraph 2 item (3) or appoint the members concerned in accordance with the provision of item (7), in advance hear the opinion of the president of the university established by the local public body concerned.

(Term of Office of Members)

Article 14. The term of office of the members other than those under paragraph 2 item (1) of the preceding Article shall be provided for by ~~the regulations~~ by-law of the local public body concerned.

(Chairman and Vice-chairman)

Article 15. The Public University Advisory 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 Public University Advisory Council.

3. The vice-chairman shall assist the chairman, shall act for him when he cannot officiate, and shall perform his duties when his office is vacant.

4. The term of office of the chairman and the vice-chairman shall be provided for by ~~the regulations~~ by-l of the local public body concerned.

(Powers)

Article 16. In case the chief of the local public body concerned, which establishes the Public Univer Adviso determines the fundamental principles ~~mentioned~~ of in the following items concerning the university established by the local public body concerned, he shall in advance hear the opinion of the Public University Advisory Council:

(1) Matters concerning the drafting of ~~regulations~~ by-law and rules related to the public university;

(2) ~~Matters~~ Important matters concerning preparation of budgetary estimates for the public university;

(3) ~~Matters~~ Important matters concerning establishment and abolishment of the public university, its faculties, departments, ~~post~~ graduate schools, research institutes and other important research facilities;

(4) Matters concerning the fixed number of students of the public university;

(5) Matters concerning tuition fee, entrance examination fee, admission fee, ~~etc.~~

2. The Public University Advisory Council may, concerning the matters pertaining to the educational and research activities and operation of the university established by the local public body concerned, ~~ask the report of the chief of the local public body concerned,~~ answer ~~his~~ the inquiries or make proposals to ~~him~~ the chief of the local public concern

3. The Public University Advisory Council may, concerning the matters pertaining to the educational and research activities and operation of the university established by the local public body concerned, ~~ask the report of the president of the university concerned~~ ask the report of the president of the university concerned or express its opinion in compliance with his request or of its own accord.

4. In case the Senate decides on the matters listed below, the president of the ~~public~~ university established by the local public body which has the Public University Ad shall in advance hear the opinion of the Public University Advisory Council through the chief of the local public body concerned: Counci

(1) Matters concerning establishement, amendment and abolishment of the regulations of the institution and other important rules;

(2) Matters concerning ~~establishment of~~ the standards concerning for personnel affairs.

(Panels of Public University Advisory Council)

Article 17. In accordance with ~~the~~ what may be provided for by ~~the regulations~~ by-law of the local public body concerned the Public University Advisory Council may have panels.

(Proceedings and Operation)

Article 18. Other than those provided for by this Law, the method of proceedings and ~~the method of~~ operation of the Public University Advisory Council shall be determined by the Public University Advisory Council after obtaining the approval of the chief of the local public body concerned.

(Remuneration and Compensation of Expenses for Members)

Article 19. The members of the Public University Advisory Council shall be in part-time service.

2. The members shall receive no remuneration for the performance of their duties. However, they may be compensated for the expnses needed for the performance of their duties.

~~3. The expenses under the preceding paragraph shall be borne by the local public body concerned.~~

3 4. The amount of the expenses to be compensated for and the method of payment thereof shall be determined by the by-law ~~regulations~~ of the local public body concerned.

Chapter IV Senate

(Establishment)

Article 20. The Senate shall be established at a public university which has several faculties.

(Senators)

Article 21. The Senate shall be composed of the senators listed below:

(1) President of the university;

(2) Deans;

(3) Two professors of each faculty;

(4) Chief of the attached research institute.

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

3. In case the senator under paragraph 1 item (3) lost the position of professor, he shall of necessity retire from his office, and in case the position of senator became vacant, the president shall appoint one in accordance with the method under the preceding paragraph to fill the vacancy from among the professors of the faculty that had been represented by the senator concerned.

4. According to the circumstances of the university concerned and in accordance with the regulations established by the Senate the number of the professors under paragraph 1 item (3) may be increased up to five, the number of the senators under item (4) of the same paragraph may be limited, or the professors belonging to attached research institutes, the chief of attached library, chief of attached hospital and other personnels holding important offices or, in the case of a public university with a junior college co-established, the director or professors of the junior college concerned may be made senators.

5. In case the number of the senators under paragraph 1 item (4) was limited or the professors of attached research institutes, ~~the president~~ or ~~professors of the~~ junior college were made senators in accordance with the provision of the preceding paragraph, the appointment, retirement and term of office of these senators shall be in accordance with the regulations prescribed by the Senate concerned.

(Term of Office of Senators Who are Professors)

Article 22. The term of office of the senators ~~who are professors~~ under paragraph 1 item (3) of the preceding Article shall be two years.

2. The ~~proviso in~~ provision of proviso to paragraph 1 and ~~provisions of~~ paragraphs 2 and 3 of Article 5 shall apply mutatis mutandis to the senators under paragraph 1 item (3) of the preceding Article.

(Powers

Article 23. The matters listed below of the university concerned shall be subject to the deliberation and decision of the Senate:

(1) Matters mentioned in each item of Article 16 ~~item (1)~~ paragraph 4;

(2) Matters concerning estimation of budget;

(3) Matters concerning establishment and abolishment of faculties, departments, post-graduate schools, research institutes and other important facilities;

(4) Matters concerning the fixed number of students;

(5) Matters concerning liaison and coordination among faculties, departments and other institutions;

(6) Matters concerning preparation of drafts of matters to be put to discussion of the Public University Advisory Council;

(7) Matters concerning disposal of matters in regard to which the Public University Advisory Council expressed its opinion;

(8) Matters concerning welfare of personnel and students;

(9) Matters concerning disciplinary punishment of students to be made after decision of the Faculty Meeting of the faculty concerned;

(10) Other important matters concerning operation of the university concerned.

concerned.

2. Other than the matters listedin the preceding paragraph, the Senate shall dispose of the matters committed to its powers by the provisions of this Law and the .. Law for the Special Regulations concerning Educational Public Service (Law No. 1 of 1949)

(Proceedings and Operation)

Article 24. The conference of the Senate shall be convened by the president, and he shall act as its chairman.

2. Other than those provided for by the preceding paragraph, the method of proceedings and operation of the Senate shall be determined by the Senate.

Chapter V Faculty Meeting

(Establishment)

Article 25. The Faculty Meeting shall be established in each faculty of the public university other than the public junior college and in the public junior college.

(Organization)

Article 26. The Faculty Meeting shall be composed of the dean (the president in the case of a public university which has only one faculty (hereinafter referred to as "mono-facultied university") or the director in the case of a public junior college; hereinafter the same in this Chapter) and all professors of the faculty or the public junior college.

2. The Faculty Meeting may include assistant professors and full-time lecturers as its members in accordance with the regulations prescribed by the Faculty Meeting composed of the dean and professors.

(Powers)

Article 27. The matters listed below of the faculty or the public junior college concerned shall be subject to the deliberation and decision of the Faculty Meeting:

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

(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 important matters concerning educational and research activities and operation of the faculty or the junior college concerned.

2. Other than the matters listed in the preceding paragraph, the Faculty Meeting shall dispose of the matters committed to its powers by the provisions of this Law and the Law for the Special Regulations concerning Educational Public Service.

Special Exception to
(~~Exceptional Provision for~~ Mono-facultied University and Public Junior College)

Article 28. At the mono-facultied university or public junior college the Faculty Meeting composed of the president and all professors shall have the powers of the Senate.

2. In the case of the preceding paragraph, the Faculty Meeting may include the chiefs of attached research institutes and other personnels holding important offices as its members in accordance with the regulations prescribed by the Faculty Meeting composed of the president and professors.

(Delegates Meeting)

Article 29. In case it is difficult to hold the conferences of the Faculty Meeting frequently because the facilities of one faculty of a public university which has several faculties, a mono-faculties university or a public junior college are dispersedly located at several places, the Delegates Meeting may be established after decision ~~deliberation~~ of the Faculty Meeting to execute part of the powers of the Faculty Meeting (including the powers of the Senate in the case of a mono-facultied university and a public junior college).

2. The Delegates Meeting shall be composed of those elected in accordance with ~~what may be~~ the regulations prescribed by the Faculty Meeting and appointed by the president as delegates.

3. Other than those provided for in the preceding paragraph, the organization and powers of the Delegates Meeting and ~~other matters concerning~~ the method of proceedings and operation of the Delegates Meeting shall be prescribed by the Faculty Meeting.

(Faculty Meeting of Attached Research Institute)

Article 30. The Faculty Meeting shall be established at the research institute attached to the public university. However, it may be dispensed with according to the circumstances of the attached research institute concerned after the decision of the Senate.

2. The Faculty Meeting of the attached research institute shall be composed of the chief and all professors of the research institute concerned.

3. The Faculty Meeting of the attached research institute may include assistant professors, full-time lecturers or those equivalent to professors or assistant professors as its members in accordance with the regulations prescribed by the Faculty Meeting composed of the chief and professors of the research institute concerned.

4. Important matters pertaining to the research and educational activities and operation of the attached research institute which has the Faculty Meeting shall be subject to the deliberation and decision of the Faculty Meeting concerned.

5. Other than the matters listed in the preceding paragraph, the Faculty Meeting of the attached research institute shall dispose of the matters committed to its powers by the provisions of the Law for the Special Regulations concerning Educational Public Service.

(Proceedings and Operation)

Article 31. The conference of the Faculty Meeting shall be convened by the dean (the chief of the research institute concerned in the case of an attached research institute), and he shall act as its chairman.

2. Other than those provided for in the preceding paragraph, the method of proceedings and operation of the Faculty Meeting shall be determined by the Faculty Meeting.

Chapter VI President

(Term of Office, etc.)

Article 32. The term of office of the president shall be between three and six years.

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

3. Appointment and dismissal and other treatment of status of the president shall be in accordance with the provisions of the Local Public Service Law (Law No. 261 of 1950) and the Law for the Special Regulations concerning Educational Public Service.

(Responsibilities)

Article 33. The president shall preside over the university concerned, and shall represent it.

2. The president shall take charge of the operation of the university concerned based on the policies determined by the Senate of the university concerned, and shall be responsible for it.

3. The president of the university established by the local public body which has the Public University Advisory Council shall submitt a written annual report to the Public University Advisory Council in accordance with the regulations prescribed by the Senate of the university concerned.

Chapter VII Dean and Other Governing Bodies

(Term of Office,etc.)

Article 34. The term of office of the dean shall not be more than three years.

2. The dean may be reappointed to the office, according to the regulations prescribed by the Faculty Meeting of the faculty concerned.

3. Appointment and dismissal and other treatment of status of dean and other chief administrators shall be in accordance with the provisions of the Local public Service Law and the Law for the Special Regulations concerning Educational Public Service.

(Responsibilities)

Article 35. The dean and other chief administrator shall preside over the affairs of the faculty or department or other institution concerned and shall represent it.

2. The dean and other chief administrator shall take charge of the operation of the faculty or department or other institution concerned and shall be responsible for it. In this case the dean or the chief of the attached research institute which has the Faculty Meeting shall comply with the policies determined by the Faculty Meeting concerned.

(Other Governing Bodies)

Article 36. Other than those provided for by this Law, the public university may, according to the circumstances of the university concerned, have other governing bodies than those provided for in this Law.

2. The organization, powers and method of operation of the governing bodies under the preceding paragraph shall be prescribed by the Senate of the university concerned.

Supplementary Provisions:

1. This Law shall come into force as from the day when three months have elapsed counting from the day of its promulgation. However, the provisions of chapter III shall come into force as from the day when six months have elapsed counting from the day of the promulgation.

2. Regardless of the provision of Article 9 paragraph 1 the first conference of the Public University Council shall be convened by the Minister of Education.

3. The term of office of the initial members of the Public University Council under Article 4 paragraph 2 item (4) shall, regardless of the provision of Article 5 paragraph 1 be one year with two of them.

4. The member whose term of office is to be one year in accordance with the provision of the preceeding paragraph shall be decided by lot.

5. In case the assembly of the local public body concerned is not in session or has been dissolved at the time of the enforcement of the provisions of by-law concerning the establishment of Public University Advisory Council under the provisions of Article 12, the chief of the local public body concerned may, regardless of the provision of Article 13 paragraph 2 item (3), appoint the initial members of the Public University Advisory Council from among persons of learning and experience without the concurrence of the assembly of the local public body concerned and after hearing the opinion of the president of the university established by the local public body concerned.

6. In the case of the preceding Article, the ex post facto concurrence of the assembly shall be obtained at the first session of the assembly after the appointment. In this case, if the chief of the local public body concerned failed to obtain the ex post facto concurrence of the assembly, he shall dismiss the member concerned.

7. The matters which have been deliberated and decided on by the former Senate or the Faculty Meeting before the enforcement of this Law but have not yet been executed by the time of the enforcement of this Law shall be

regarded as the matters deliberated and decided on by the Senate or the Faculty Meeting under this Law.

Reason

This Bill is submitted as it is necessary to set up new provisions for the organization, powers and operation of the bodies concerned with the administration of public universities in order to look to adequate administration of public universities by respecting their autonomy and making public opinion reflected upon their administration.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: LS/I&J Date: 1 March 1951 — Capt Norris 26-6076
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Education Ministry. 2. Your prompt comment is requested. 1 Incl Bill for Adjustment of Relevant Laws Consequent to Enforcement of National University Administration Law & Public Univ Admin Law — C. S.

P & P

Subject: Bill for Adjustment of Relevant Laws Consequent to Enforcement of National University Administration Law & Public Univ. Admin. Law

From: LS To: GS Date: 12 March 1951
A. C. Oppler, 57-3417

2. Since according to information from GS the bill has already been cleared for introduction in the Diet, this Section offers no comment thereon.

1 Incl.
w/d

- A.C.C. - - - - - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No. 1.

From: Govt Sec To: CI&E Date: 1 March 1951

Capt Norris
26-6076

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Education Ministry.**

2. Your prompt comment is requested.

1 Incl
Bill for Adjustment of Relevant Laws Consequent to Enforcement of National University Administration Law & Public Univ Admin Law

C. ..

2

000.8
From: CIE To: Govt Sec

Dr. Loomis 26-5679
Date: 5 March 1951

CIE perceives no objection to subject draft legislation.

1 Incl
n/c

- D. R. N. - - - - - - - - - - - -

Government Section
Buck Slip

3/1 1950

FROM: P&P

TO:	INITIAL	DATE
CHIEF		
EX OFF		
DEPUTY CHIEF		
Col Wheeler		
Chief Adm Div		
Stat & Review		
Civil Serv Div		
Par & Pol Div		
✓ Public Aff Div		
Public Adm Div		
Admin Asst		
Personnel Clerk		
Chief Clerk		
File		

FOR:

_____ INFORMATION
_____ NECESSARY ACTION
_____ ACTION
_____ APPROVAL
_____ INITIAL
✓ COMMENT OR CONCUR
_____ RETAIN
_____ RETURN
_____ FIL
_____ BURN

CSH

No objection

Bill

Submitted to GS for Clearance
through Legislative Affairs Section,
Liaison Bureau, Ministry of Foreign Affairs
(Tel. 57-6010)

Mar. 1, 1951

1. Number: FOM **No.88**

2. Title: **Bill for Adjustment of Relevant Laws consequent to the Enforcement of the National University Administration Law and the Public University Administration Law.**

3. Office in Charge: **Ministry of Education**

4. Date of Cabinet Approval: **Feb. 23, 1951**

5. SCAP Section concerned: **Dr. A.K Loomis, Chief of Education Division, CI&E.**
Dr. T.H. Mcgrail, University Division, CI&E.

6. Remark (Reference):
Law No. 1 of 1949: Official Gazette dated Jan. 12, Extra No. 6. Bill for Partial Amendments to the Law for the Special Regulations Concerning Educational Public Serice Law: This was submitted to GS on Jan. 18 and was appoved by the above Section on Jan. 26 as FOM No.14.
(Copies of this Bill are attached hereunto.)

7. GS Reviewers:

Received by GS

Date 3/1/51

GS: CIE
LS/LS
GS/PA

No. 16

Date: February 19, 1951

Title of draft Law ~~Cabinet Order~~

Bill for Adjustment of Relevant Laws Consequent to the Enforcement of the National University Administration Law and the Public University Administration Law

The above draft Law ~~Cabinet Order~~ has been reviewed and approved by the Administrative Management Agency.

Katsuhiko Onogi

Katsuhiko ONOGI,
Deputy Director,
Administrative Management Agency.

FOMNO.8

Bill for Adjustment of Relevant Laws Consequent to the Enforcement of the National University Administration Law and the Public University Administration Law

(Amendment of Law for the Special Regulations concerning Educational Public Service)

Article 1. The Law for the Special Regulations concerning Educational Public Service (Law No. 1 of 1949) shall be partially amended as follows:

Article 4 shall be amended as follows:

(Method of Initial Appointment and Promotion)

Article 4. The initial appointment of presidents and chief administraters as well as the initial appointment and promotion of teachers shall be made by means of selection.

2. The selection for the appointment of presidents shall be made by the Senate (in the case of a national junior college, the Senate of the national university to which the junior college concerned is attached, hereinafter the same) with regard to persons who are of noble character, of profound learning, and of a wide range of knowledge and views concerning educational administration, in accordance with the standard and the regulations it established.

3. The selection for the appointment and promotion of deans, chiefs of attached research institutes which have the Faculty Meeting, and teachers of faculties and attached research institutes which have the Faculty Meeting shall be made by the president after decision of the Faculty Meeting of the faculty or the attached research institute concerned, in accordance with the standard established by the Senate after decision of the Faculty Meeting of the faculty or the attached research institute concerned.

4. The selection for the appointment and promotion of the chief administrators and teachers other than the chief administrators and teachers under the preceding paragraph shall be made by the president after decision of the Senate, in accordance with the standard established by the Senate.

In Article 5, "the immediate governing body of each institution" shall be amended as "the Senate", in paragraph 2 of the same Article, "the preaceding paragraph" as "paragraph 1",in paragraph 5 of the same Article, "the preceding three paragraphs" as "the preceding four paragraphs", paragraph 2 of the same Article shall be made paragraph 3 of the same Article, the numbering of paragraph 4 and its following paragraph shall be moved down by one, and the following one paragraph shall be added next to paragraph 1 of the same Article:

2. In case the Senate decides on the inquiry under the preceding paragraph in regard to deans, chiefs of attached research institutes which have the Faculty Meeting and teachers of faculties and attached research institutes which have the Faculty Meeting, it shall in advance hear the opinion of the Faculty Meeting of the faculty or the attached research institute concerned.

In Article 6 paragraph 1, "the immediate governing body of each institution" shall be amended as "the Senate", and in paragraph 2 of the same Article, "paragraphs 2 to 5 inclusive of Article 5" as "paragraphs 2 to 6 inclusive of the preceding Article".

In Article 7, "~~decided on~~ by the immediate governing body of each institution "shall be amended as "decided on by the Senate in the case of presidents and by the president after decision of its Senate in the case of teachers and chief administrators".

Article 8. shall be amended as follows:

(Term of Office and Age-Limit)

Article 8. The term of office of presidents and chief administrators other than the chief administrators under paragraph 2 shall be determined by the Senate.

2. The term of office of deans and chiefs of attached research institutes which have the Faculty Meeting shall be determined by the Faculty Meeting of the faculty or the attached research institute concerned.

3. The age-limit of teachers shall be determined by the Senate.

In Article 9 paragraph 1, "the immediate governing body of each institution" shall be amended as "the Senate", and in paragraph 2 of the same Article, "paragraph 5" as "paragraph 6".

The heading of Article 10 shall be amended as "(Representation for Appointment, etc.)", in the same Article, "the immediate governing body of each institution" shall be amended as "the president", and the following one paragraph shall be added in the same Article.

2. The appointing officers under the preceding paragraph shall be the Minister of Education in regard to national universities and the chief of the local public entity that establishes the university concerned in regard to public universities.

In Article 11, "shall be provided by the immediate governing body of each institution" shall be amended as "shall be provided by the Senate".

Article 12 shall be amended as follows.

(Evaluation of Work Performance)

Article 12. The evaluation of work performance and the measure taken in accordance with the result of the evaluation concerning presidents, chief administrators and teachers other than the chief administrators and teachers under paragraph 2, shall be made by the Senate in the case of presidents, and by the president after decision of the Senate in the case of chief administrators and teachers.

2. The evaluation of work performance and the measure taken in accordance with the result of the evaluation concerning deans, chiefs of attached research institutes which have the Faculty Meeting and teachers of faculties and attached research institutes that have the Faculty Meeting, shall be made by the president after decision of the Faculty Meeting of the faculty or the attached research institute concerned.

3. The evaluation of work performance under the prededing two paragraphs shall be made in accordance with the standard established by the Senate.

In Article 19 paragraph 2, "The immediate governing body of each institution" shall be amended as "The appointing officers", and the following one paragraph shall be added in the same Article:

3. In case the competent authorities work out the plan concerning the study and self-improvement under the preceeding paragraph for the educational public service personnel of universities and schools attached thereto, they shall hear the opinion of the National University Council in regard to the national universities and schools attached thereto and that of the Public University Council through the Minister of Education in regard to the public universities and schools attached thereto.

Article 25 shall be amended as follows:

(Selection of President of Newly Established Universities)

Article 24 - (2) The selection for the appointment of presidents for universities to be newly established shall be made by the appointing officers after hearing the opinion of the University Chartering Council with persons who are of noble character, of profound learning, and of a wide range of knowledge and views concerning educational administration.

(Selection of Deans, Teachers, etc. of Newly Established Faculty)

Article 25. The selection for appointment of deans and teachers of faculties and teachers of junior colleges shall, regardless of the provisions of article 4 paragraphs 3 and 4, be made by the president after hearing the opinion of the University Chartering Council through the Ministry of Education, before three years ~~of~~ or one year and six months have respectively elapsed after the establishment of the faculty or the junior college and the number of professors exceeds three-fourths of the fixed number of the professors of the faculty or the junior college concerned.

(Amendment of Ministry of Education Establishment Law)

Article 2. The Ministry of Education Establishment Law (Law No. 146 of 1949)

shall be partially amended as follows:

In Article 24 paragraph 1,

"Student Welfare Council	To make research and deliberation on matters concerning scholarship for and welfare and relief of students."
shall be amended as	
"National University Council	To make research and deliberation upon inquiry of the Minister of Education as well as to make proposals to the Minister of Education, concerning important matters pertaining to national universities.
Public University Council	To make research and deliberation upon inquiry of the Minister of Education as well as to make proposals to the Minister of Education, concerning important matters pertaining to public universities.
Student Welfare Council	To make research and deliberation on matters concerning scholarship for and welfare and relief of students."

Supplementary Provisions :

1. This Law shall come into force as from the day of its promulgation.

2. The provisions of the Law for the Special Regulations concerning Educational Public Service, as amended, in regard to the national university, shall apply as from the day of the enforcement of the National University Administration Law (Law No. of 1951) (excluding Charter 3), and in regard to the public university shall apply as from the day of the enforcement of the Public University Administration Law (Law No. of 1951) (excluding Chapter 3), and shall be as heretofore until these provisions shall be applied.

3. The provisions of the Ministry of Education Establishment Law, as amended, in regard to the part pertaining to the National University Council shall apply as from the day of the enforcement of the National University Administration Law (excluding Chapter 3), and in regard to the part pertaining to the Public University Council shall apply as from the day of the enforcement of the Public University Administration Law (excluding Chapter 3).

4. Those who are actually presidents, chief administrators or teachers of national universities or public universities at the time of the enforcement of the National University Administration Law or the Public University Administration Law shall, in accordance with the provisions of the Law for the Special Regulations concerning Educational Public Service, as amended,be regarded as those respectively appointed presidents, chief administrators or teachers of the universities concerned at the day of the enforcement of these Laws.

5. The establishment of the standards, inquiries and other conducts made by the former immediate governing body of each institution in accordance with the provisions of the Law for the Special Regulations concerning Educational Public Service befor the amendment, shall be regarded as the establishment of standards, inquiries and other conducts made by the corresponding bodies under the provisions of the same Law, as amended.

6. Those ~~tho~~ are actually presidents, ~~teachers~~ or chief administrators of national universities or public universities at the time of the enforcement of the National University Administration Law or the Public University Administration Law may, regardless of the provisions of Article 34. paragraph 1 and Article 36. paragraph 1 of the National University Administration Law and the provisions of Article 32. paragraph 1 and Article 34. paragraph 1, and those of Article 3. paragraphs 1 and 2 of the Law for the Special Regulations concerning Educational Public Service, as amended, continue to hold their positions until the expiration of their already fixed term of office, in regard to those with whom the term of office has been fixed, or for four years after the establishment of the universitities concerned (for the period corresponding to the length of the course of the colleges concerned in the case of junior colleges), in regard to those with whom the term of office has not been fixed.

Reasons

In accordance with the enforcement of the National University Administration Law and the Public University Administration Law, there is a need to adapt the regulations of Special Law concerning Educational Public Service, relative to the immediate governing bodies of the universities, to the contents of these Laws, as well as to provide the regulations pertaining to the National University Council and the Public University Council in the Ministry of Education Establishment Law. This is the person for presenting the draft of this Law.