

# Guidelines for the Handling and Protection of Whistleblowers

Adopted on February 25, 2022

## Chapter 1 General Provisions

### Article 1 (Purpose)

The purpose of these guidelines is to prevent public interest violations and contribute to the activation of the whistleblower protection system by establishing procedures for the reception, processing, protection, and support of whistleblowers who are reported to Ajou University under the "Whistleblower Protection Act" and its Enforcement Decree.

**Article 2 (Definitions)** The following terms shall have the following meanings in these guidelines:

1. "Public interest violation" means an act specified in Article 2 (1) of the "Whistleblower Protection Act" (hereinafter referred to as the "Act").
2. "Whistleblowing" means an act specified in Article 2 (2) of the Act.
3. "Whistleblowing" means an act specified in Article 2 (3) of the Act.
4. "Whistleblower" means a person specified in Article 2 (4) of the Act.
5. "Whistleblower" means a person specified in Article 2 (5) of the Act.
6. "Adverse treatment" means a measure specified in Article 2 (6) of the Act.
7. "Internal whistleblower" means a person specified in Article 2 (7) of the Act.

### Article 3 (Reporting Obligation)

- (1) A faculty member of Ajou University who becomes aware of a public interest violation in the course of their duties shall immediately report it to Ajou University or an investigative body, a law enforcement agency, or the National Human Rights Commission of Korea.
- (2) A faculty member of Ajou University may make a statement, testify, or provide documents in an investigation, lawsuit, or other investigation related to whistleblowing or protection measures for whistleblowers.

### Article 4 (Responsibilities)

- (1) Ajou University shall make policies to protect and support whistleblowers and encourage the activation of whistleblowers.
- (2) Ajou University shall strive to secure sufficient budgets and personnel for the reception, processing, protection, and support of whistleblowers.
- (3) Ajou University shall not prohibit or restrict whistleblowing in collective bargaining

agreements, employment contracts, or supply contracts.

- (4) Ajou University shall support or cooperate with the activation of corporate activities to prevent public interest violations.

#### **Article 5 (Establishment of Detailed Promotion Plans)**

- (1) Ajou University shall establish and implement detailed promotion plans in reference to the guidelines for implementing the system by the National Human Rights Commission of Korea (including medium-term basic policies and annual implementation plans) to protect and support whistleblowers.
- (2) Ajou University shall cooperate with the National Human Rights Commission of Korea in the field survey conducted to establish policies to protect and support whistleblowers.

#### **Article 6 (Whistleblower Protection System Education)**

- (1) Ajou University shall hold education for its employees once a year or more for the protection of whistleblowers and the activation of the system. However, for new employees, education shall be provided at the time of new hiring.
- (2) The following items shall be included in the education under paragraph (1):
  1. Target of reporting public interest violations and laws and regulations on the protection of whistleblowers
  2. Processing procedures and measures for handling whistleblowers when they are received
  3. Counseling and relief procedures for employees who have been disadvantaged by whistleblowing
  4. Other matters necessary for the protection of whistleblowers and the activation of the system
- (3) The education under paragraph (1) may be conducted through employee training, inquiries, meetings, and cyber education using information and communication networks.

#### **Article 7 (Whistleblower Affairs)**

- (1) The following affairs related to whistleblowers and whistleblower protection shall be performed by the department in charge of audits.
  1. Reception, counseling, and handling of whistleblowers
  2. Counseling and guidance on the relief procedures for whistleblowers
  3. Other affairs necessary for the protection of whistleblowers
- (2) The staff in charge of whistleblower affairs shall not disclose any information consulted with the whistleblower.

#### **Article 8 (Whistleblower Review Committee)**

- (1) The Whistleblower Review Committee (hereinafter referred to as the "Committee") shall be

operated to deliberate on the following matters related to whistleblowers and whistleblower protection.

1. Affairs related to the consultation, investigation, and completion of whistleblowers
  2. Matters related to the acceptance or rejection of the content of the objection
  3. Other important matters necessary for the protection of whistleblowers
- (2) The Committee members shall not disclose any information consulted with the whistleblower.

## **Chapter 2 Reception of Whistleblowing**

### **Article 9 (Whistleblowing Consultation)**

- (1) Whistleblowing consultations shall be conducted by the relevant department of Ajou University, but may be conducted at other locations if necessary.
- (2) Care shall be taken to ensure that the identity and contents of the whistleblower's report are not disclosed during the consultation under paragraph (1).

### **Article 10 (Whistleblowing Reception)**

- (1) When a whistleblower submits a report form under Article 8 of the Act by visiting, mail, internet, or facsimile, it shall be received.
- (2) If it is clear that the content of the report does not constitute a public interest violation, it may be received and processed as a general complaint rather than a whistleblowing report.

### **Article 11 (Provision of Report Form, etc.)**

- (1) The relevant department shall keep and use the report form in Schedule 1 for the convenience of whistleblowers.
- (2) In the case of a whistleblower who is illiterate or unable to write a report form, a staff member of the relevant department shall write the report form on behalf of the whistleblower, read the contents, and sign or stamp the report form jointly with the whistleblower.

### **Article 12 (Reception Procedure)**

- (1) When a report form is received, it shall be recorded in the Public Interest Report Reception Management Register of Schedule 2 according to the order of receipt, and the Receipt Confirmation Form of Schedule 3 shall be issued.
- (2) When a whistleblower visits to make a public interest report, the procedures for receiving, processing, and disclosing the identity of the public interest report shall be explained, and whether to disclose the identity in the course of investigation and investigation by the

investigation or prosecution agency shall be confirmed, and the Identity Disclosure Confirmation Form of Schedule 4 shall be written.

#### **Article 13 (Selection of Representative, etc.)**

- (1) In the case where two or more people report jointly for the same public interest violation, one of them may be selected as the representative reporter. In this case, the representative reporter selection form shall be submitted in accordance with Schedule 5.
- (2) The following persons may be authorized to act as the representative reporter under paragraph (1). In this case, a written document proving the authority to act as a representative reporter, such as a power of attorney from the reporter, a copy of the reporter's and agent's identification cards, etc., shall be submitted.
  1. Spouse, lineal ascendant, descendant, or sibling of the reporter
  2. In the case where the reporter is a corporation, the officer or employee thereof
  3. Lawyer
  4. Person who can be a representative under other laws and regulations

**Article 14 (Field Reception)** If a whistleblower requests a field visit by a staff member of the relevant department for a public interest report, the staff member may visit in person to receive and receive the report form.

#### **Article 15 (Request for Completion)**

- (1) The relevant department shall confirm whether the report form is in compliance with the requirements under Article 8 (1) of the Act, and if any of the items in the report form are missing or the content is unclear, it may request completion within a reasonable period of time.
  1. Personal information such as the name, resident registration number, address, and contact information of the whistleblower
  2. Person who commits a public interest violation
  3. Contents of public interest violation
  4. Purpose and reason for public interest report
  5. Evidence of public interest violation
- (2) If the whistleblower does not complete the completion within the period specified in paragraph (1) even after the completion request under paragraph (1), the relevant department may request the completion again within 7 days and may terminate the public interest report under paragraph (1) of Article 20 if it is not completed within that period.
- (3) If the personal information of the whistleblower, such as the name, resident registration number, address, and contact information, is significantly insufficient and there is no way to confirm or complete the personal information, the relevant department may terminate the public interest report under paragraph (1) of Article 20.

#### **Article 16 (Cancellation of Report)**

- (1) If the whistleblower submits a written or electronic document canceling the public interest report, the relevant department may register it in the management ledger and process it as "completed."
- (2) Even if the report is canceled, if it is judged to be a serious public interest violation and evidence that can prove it is secured, it may be investigated or transferred to the investigation or prosecution agency.

#### **Article 17 (Public Interest Report Record)**

- (1) After receiving a report form, the relevant department shall keep it in order of the cover of the public interest report record in Schedule 6, the report form, and the attached documents.
- (2) When writing the cover of the public interest report record under paragraph (1), if the whistleblower does not agree to disclosure of his or her identity, the personal information of the whistleblower may not be recorded.
- (3) Documents submitted by the whistleblower or additional documents written about the report matter, etc., shall be kept in the public interest report record under paragraph (1) in chronological order.
- (4) The relevant department shall take necessary measures, such as storing in a separate place, to prevent unauthorized persons other than faculty members who handle public interest reporting affairs from accessing or disclosing the public interest reporting record under paragraph (1).
- (5) The relevant department shall also take necessary measures, such as restricting access, to prevent unauthorized persons other than faculty members who handle public interest reporting affairs from accessing or disclosing public interest reports received through the internet, etc.

### **Chapter 3 Processing of Public Interest Reports**

#### **Article 18 (Investigation of Public Interest Reports)**

- (1) When a public interest report is received or transferred by the National Human Rights Commission of Korea, the relevant department shall conduct an investigation on the contents of the report and take necessary measures based on the investigation results.
- (2) When the investigation of a public interest report that is directly received is completed, the relevant department shall notify the results of the investigation to the public interest reporter. In this case, an explanatory document on the operation of the public interest reporter protection and compensation system in Schedule 7 is attached.

- (3) When the results of the investigation of a case that has been transferred by the National Human Rights Commission of Korea and has been confirmed to be a public interest violation, the relevant department shall notify the results of the investigation to the National Human Rights Commission of Korea within 10 days of the completion of the investigation, with the following items included in the document.
  1. The results of processing the reported matter, such as criminal disposition and administrative disposition, and the process and reason for processing
  2. The direction of processing after the completion of the investigation and investigation
  3. If the fact that it falls under or is expected to fall under the target of payment of compensation and structural funds
  4. The gist of the need for system improvement in relation to public interest reports
  5. Other matters that the committee or public interest reporter needs to know in relation to public interest reports
- (4) If the National Human Rights Commission of Korea needs to supplement materials from the whistleblower in the process of investigating a case that has been transferred or sent by the National Human Rights Commission of Korea for whistleblower protection, it shall request cooperation from the National Human Rights Commission of Korea.
- (5) If the National Human Rights Commission of Korea requests measures to prevent the spread and recurrence of public interest violations under Article 9 (5) of the Act in accordance with the results of the investigation under Paragraph 3, or requests re-investigation or re-investigation under Article 9 (7) of the Act, it shall take necessary measures unless there is a special reason and notify the National Human Rights Commission of Korea of the results of the measures.
- (6) If there is a reasonable and sufficient reason to believe that a whistleblower or his or her relative or cohabitant may be harmed or have a risk of harm due to a public interest report in the investigation procedure under Paragraph 1, the provisions of Article 7, Article 9 to Article 12 of the "Law on the Protection of Whistleblowers and Others" shall be applied.
- (7) If whistleblower or his or her legal representative requests measures under Paragraph 6, it shall comply with such measures unless there is a special reason.

#### **Article 19 (Transfer of public interest report)**

- (1) If a public interest report received does not fall within the jurisdiction of this university, or if it does not have the authority to investigate or take other action against the relevant public interest violation, and it is deemed appropriate to have the other investigation or prosecution agency handle it, the university shall seek the consent of the whistleblower, confirm the relevant laws, and transfer it to the relevant investigation or prosecution agency along with the precautions for the procedure for handling public interest reports in accordance with the attached Form 8, and notify the whistleblower of the fact.
- (2) If a public interest report transferred or sent by the National Human Rights Commission is

deemed appropriate to be handled by another investigation or prosecution agency, the university may re-transfer or re-send it to another investigation or prosecution agency in consultation with the National Human Rights Commission.

#### **Article 20 (Termination of public interest report)**

- (1) If a public interest report falls under any of the following categories, the investigation under Article 18 (1) or the transfer under Article 19 (1) may be omitted or discontinued and terminated.
  1. If the content of the public interest report is clearly false.
  2. If the personal information of the whistleblower is unknown.
  3. If the whistleblower does not make up for the request for supplementation of the report or proof material more than twice within the period for supplementation.
  4. If the whistleblower reports again without a legitimate reason for the matter on which the result of handling the public interest report was notified.
  5. If the content of the public interest report is a matter that has been made public through the media, and there is no new evidence other than the public content. However, if the content made public through the media is due to the whistleblower's report, it is excluded.
  6. If an investigation into the relevant public interest violation has been started or has already been completed under other laws.
  7. If the content of the report is not related to the public interest violation.
  8. If there is no evidence to prove the public interest violation.
- (2) If a public interest report is not investigated or transferred, or terminated, in accordance with paragraph (1), the university shall notify the whistleblower of the fact, including the reason.

#### **Article 21 (Objection to the results of the investigation and handling of public interest reports)**

- (1) If a whistleblower has any objections to the results of the investigation under Article 18 or the results of the termination handling under Article 20, he/she may file an objection within 14 days of receiving the notification, using the attached Form 9 objection form, by visiting, mail, internet, fax, or other means.
- (2) The methods and procedures for accepting and canceling objections under paragraph (1) shall be applied to Articles 10 to 16.
- (3) After reviewing the objection, the results of the handling shall be notified to the whistleblower without delay.

#### **Article 22 (Duty to keep whistleblowers' secrets)**

- (1) Faculty members shall not disclose to others, publicize, or report the following matters without the consent of the whistleblower:
  1. Personal information of the whistleblower, such as name, photo, resident registration

number, telephone number, address, and workplace.

2. Matters that can be inferred to be a whistleblower.

- (2) Faculty members shall not disclose the content of the report, including the personal information of the accused, before the investigation of the public interest report finds that the public interest violation has been found.
- (3) Faculty members who disclose the personal information or content of the whistleblower in violation of paragraphs (1) and (2) shall be subject to disciplinary action or other necessary measures.

#### **Article 23 (Prohibition of disadvantageous treatment)**

- (1) No disadvantageous treatment shall be given to faculty members for making public interest reports.
- (2) No faculty member shall be prevented from making public interest reports, or forced to cancel public interest reports.
- (3) A person who violates Article 15 of the Act and gives disadvantageous treatment to faculty members for making public interest reports, or prevents or cancels public interest reports, may be reported to the investigative agency.

#### **Article 24 (Prior consideration of personnel actions, etc.)**

- (1) When a faculty member who has made a public interest report requests a personnel action, such as a transfer, transfer, transfer, or dispatched work, the personnel action shall be prioritized when the content of the request is considered to be justified.
- (2) A faculty member who has made a public interest report or has made outstanding contributions to the protection and support of whistleblowers may be given preferential treatment in personnel matters or awarded a commendation or prize.

**Article 25 (Instruction on personal protection)** When it is clear that the whistleblower has suffered or is at risk of serious harm to his or her own and relatives or cohabitant due to the report, the whistleblower shall be instructed to request personal protection measures from the National Human Rights Commission.

#### **Article 26 (Relief from disciplinary action)**

- (1) When a faculty member is disciplined for an illegal act or other matter discovered in connection with the faculty member's public interest report, the disciplinary action may be reduced or exempted.
- (2) When a faculty member makes a public interest report in accordance with this standard, it is considered that the faculty member has not violated the duty to comply with professional secrets, regardless of the relevant regulations of other laws, collective agreements, or rules.



## **Article 27 (Protection of whistleblowers)**

- (1) When it is deemed necessary to protect the whistleblower for the following reasons in the process of receiving or handling public interest reports, the necessary measures shall be taken and the procedures for relief shall be explained to the whistleblower.
  1. In case the application of the "Law on the Protection of Whistleblowers and Others" under Article 11 of the Act is required.
  2. In case the secret is not guaranteed in violation of Article 12 of the Act.
  3. In case personal protection measures under Article 13 of the Act are required.
  4. In case the reduction of responsibility or other measures under Article 14 of the Act are required.
  5. In case of preventing or forcing the whistleblower to make a public interest report or cancel the public interest report in violation of Article 15 of the Act.
  6. In case priority consideration of personnel actions under Article 16 of the Act is required.
  7. In case a request for protection measures under Article 17 of the Act is required.
  8. In case a request for the prohibition of disadvantageous treatment under Article 22 of the Act is required.

**Article 28 (Notice of application for compensation payment)** When it is known that the processing of a public interest report processed by this university has led to the direct recovery or increase of income for the state or local government through the imposition of one of the following, the public interest reporter shall be notified that he or she may apply for payment of compensation to the National Human Rights Commission. However, this only applies to public interest reporters who fall under Article 2 (7) of the Act.

1. Penalty or notice of disposition
  2. Imposition of forfeiture or confiscation
  3. Imposition of fine or enforcement cost
  4. Imposition of surcharge (including cancellation or suspension of permits, etc., if there is a surcharge system instead of cancellation or suspension of permits, etc.)
  5. Imposition of national or local taxes
  6. Disposition such as imposition of burden or addition fee
  7. Disposition such as compensation or return of undue profit
- (2) The notice of application for payment of compensation under paragraph (1) shall include the following information on the application period.
1. Within two years from the date of knowing that the legal relationship regarding the recovery or increase of income for the state or local government has been established.
  2. Within five years from the date on which the legal relationship regarding the recovery or increase of income for the state or local government is established.

**Article 29 (Recommendation of reward payment target)** When it is known that the processing of a public interest report processed by this university has brought significant property

benefits or prevented losses to the state and local governments, or has promoted the public interest, the National Human Rights Commission can recommend the reward payment target to the National Human Rights Commission with a recommendation letter in the attached Form 10.

1. In the case of a person who has committed a public interest violation, there is a suspension of prosecution, suspension of sentence, suspended execution, or sentence, etc.
  2. In the case of an administrative disposition that orders a specific act or prohibition, such as a corrective order.
  3. In the case of contributing to system improvement, such as the enactment or amendment of relevant laws for the prevention of public interest violations.
  4. In the case of an order imposing a fine or surcharge (in this case, internal public interest reporters are excluded).
  5. In the case of contributing to the prevention and spread of social disasters.
- (2) In the case of recommending under paragraph (1), the reward payment target shall be notified of the recommendation in advance and obtain consent, and shall take care not to expose the identity of the reward payment target.

**Article 30 (Notice of application for assistance payment)** If a public interest reporter has suffered or incurred costs to himself or herself and his or her relatives or cohabitant under any of the following, he or she shall be notified to apply for payment of assistance payment to the National Human Rights Commission.

1. Costs incurred for physical and mental treatment, etc.
2. Moving costs incurred for transfers, dispatched work, etc.
3. Costs incurred in the litigation process related to restoration
4. Loss of wages during the period of disadvantageous treatment
5. Other significant economic losses

**Article 31 (Request for cooperation, etc.)** This university may request necessary cooperation and assistance from the National Human Rights Commission, related administrative agencies, counseling centers or medical institutions, and other related organizations, if necessary for the investigation, handling, or protection measures of the report content.

**Article 32 (Applicability)**

- (1) In the case where the application of this standard and other regulations competes with each other in relation to counseling, reception, processing, protection and support of public interest reporters, etc., this standard shall be applied first.
- (2) If the application of other regulations is more favorable to public interest reporters, those regulations shall be applied.

**Article 33 (Processing of unique identification information)** In an inevitable case to perform the affairs of public interest report in accordance with Article 29 of the Enforcement Decree

of the Act, the data including the resident registration number referred to in Article 19 (1) of the Enforcement Decree of the Personal Information Protection Act, the passport number referred to in the same Article (2), or the alien registration number referred to in the same Article (4) may be processed.

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This standard shall come into force on the date of promulgation.