

National University Corporation Kyushu University Regulations of Employment of Fixed-term Faculty Members

Kyushu University Employment Regulation No.3 of 2004

Established: April 1, 2004

Last amended: March 30, 2023

(Kyushu University Employment Regulation No.39 of 2022)

(Purpose)

Article 1 These Regulations shall provide for necessary matters with regard to working conditions, service discipline, and other basic matters relevant to employment of fixed-term faculty members, beyond what is provided in the National University Corporation Kyushu University General Regulations of Employment (Kyushu University Employment Regulation No.1 of 2004; hereinafter referred to as the "General Regulations of Employment").

(Definitions)

Article 2 The term "fixed-term faculty members" as used in these Regulations means faculty members provided in Article 2, paragraph (1), item (i) of the General Regulations of Employment, who are employed for a fixed term (excluding faculty members (annual salary) and special fixed-term faculty members).

(Term of Employment)

Article 3 (1) The maximum term of employment of fixed-term faculty members is five years.

(2) If a fixed-term faculty member is employed for a term of less than five years, the term of employment may be extended to the extent that it does not exceed five years from the date of employment; provided, however, that if the faculty member falls under Article 15-2, paragraph (1) of the Act on Activation of the Creation of Science and Technology Innovation (Act No.63 of 2008), the term of employment may be extended to the extent that it does not exceed ten years from the date of employment, notwithstanding the provisions of the preceding item.

(3) Notwithstanding the provisions of the preceding two paragraphs, the final day of the term of employment of fixed-term faculty members may not come after the date of retirement by reason of the mandatory retirement age provided in Article 2 (or Article 3 in the case of those who have won a Nobel Prize or any other award that is found equivalent thereto) of the National University Corporation Kyushu University Rules for Mandatory Retirement Age of Faculty Members (Kyushu University Employment Regulation No.12 of 2004).

(4) Notice of whether or not the term of employment will be extended under the provisions of the preceding two paragraphs is given at least 30 days prior to the date on which the term of employment expires.

(Administrative Leave)

Article 4 A fixed-term faculty member who falls under any of the following items may be placed on administrative leave:

- (i) if the fixed-term faculty member needs a long period of recuperation due to a mental or physical disorder or if the fixed-term faculty member has taken sick leave provided in Article 37 of the General Regulations of Employment for a continuous period of more than 90 days;
- (ii) if the fixed-term faculty member is prosecuted with regard to a criminal case;
- (iii) if the fixed-term faculty member's survival or whereabouts cannot be ascertained due to a flood, fire or any other disaster; or
- (iv) if it is found appropriate to place the fixed-term faculty member on administrative leave on any other special grounds.

(Period of Administrative Leave)

Article 5 (1) The period of administrative leave is as set forth in the right-hand column of the following table according to the categories of the respective items of the preceding Article set forth in the left-hand column of the same table. The period may be extended if necessary from the date on which a fixed-term faculty member is placed on administrative leave until the period expires:

| Grounds for administrative leave | Period of administrative leave                                                                                                                                                     |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item (i)                         | National University Corporation Kyushu University (hereinafter the "University") provides a period not exceeding three years depending on the degree of necessity of recuperation. |
| Item (ii)                        | A period during which the case that is the cause of administrative leave is pending before the court                                                                               |
| Item (iii)                       | The University provides a period not exceeding three years as necessary for each case.                                                                                             |
| Item (iv)                        | The University provides a period not exceeding five years as necessary for each case.                                                                                              |

(2) With regard to the period of administrative leave on the grounds set forth in Article 4, item (i), if a fixed-term faculty member is placed on administrative leave again within one year after being reinstated due to the same injury or disease or an injury or disease that is found to have resulted from the same injury or disease, the period of administrative leave due to the relevant injury or disease before and after the reinstatement are aggregated, except when the University finds it particularly necessary.

(Procedure for Administrative Leave due to Disease)

Article 5-2 Placement on administrative leave under the provisions of Article 4, item (i), the

extension of the period of the administrative leave, and the reinstatement after the administrative leave shall be determined by the head of the department which the employee taking the leave (hereinafter referred to as the “employee on leave”) belongs, based on the diagnosis by a physician and the opinions of the University’s occupational physician, the person in a supervisory position over the duties of the employee on leave, and the person in charge of personnel affairs of the relevant department.

(Compensation during Administrative Leave)

Article 6 (1) If a fixed-term faculty member is placed on administrative leave under the provisions of Article 4, item (i) due to an injury or disease resulting from an employment-related cause or from commuting, the fixed-term faculty member is paid the full amount of compensation (if the fixed-term faculty member receives compensation for absence from work under the provisions of Article 76 of the Labor Standards Act (Act No.49 of 1947), temporary absence from work compensation benefits under the provisions of Article 14 of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947), temporary absence from work benefits under the provisions of Article 22-2 of the latter Act, and other benefits: excluding the amount equivalent to the amount of the compensation, etc.) during the period of the administrative leave.

(2) If a fixed-term faculty member falls under the grounds set forth in Article 4, item (i) and is placed on administrative leave due to tuberculous disease, the fixed-term faculty member is paid an amount not exceeding 80 percent of each among the basic salary, dependent allowance, area allowance, area adjustment allowance, housing allowance (hereinafter referred to as the "basic salary, etc."), cold district allowance, and end-of-term allowance provided in the National University Corporation Kyushu University Rules for Compensation of Employees (Kyushu University Employment Regulation No.14 of 2004; hereinafter referred to as the "Compensation Rules"), until the period of the administrative leave reaches two years.

(3) If a fixed-term faculty member falls under the grounds set forth in Article 4, item (i) and is placed on administrative leave due to a mental or physical disorder other than those referred to in the preceding two paragraphs, the fixed-term faculty member is paid an amount not exceeding 80 percent of each among the basic salary, etc., cold district allowance, and end-of-term allowance, until the period of the administrative leave reaches one year.

(4) If a fixed-term faculty member falls under the grounds set forth in Article 4, item (ii) and is placed on administrative leave, the fixed-term faculty member may be paid an amount not exceeding 60 percent of each among the basic salary, etc. during the period of the administrative leave.

(5) If a fixed-term faculty member falls under the grounds set forth in Article 4, item (iii) or (iv) and is placed on administrative leave, the fixed-term faculty member is paid the basic salary, etc., cold district allowance, and end-of-term allowance each at the rate provided in

the following items according to the grounds for administrative leave referred to respectively in these items, during the period of the administrative leave:

- (i) if the fixed-term faculty member falls under Article 4, item (iii) (excluding the case where the faculty member falls under the following item): not exceeding 70 percent;
  - (ii) if the fixed-term faculty member falls under Article 4, item (iii) and is found to have suffered a disaster resulting from an employment-related cause or from commuting: 100 percent; or
  - (iii) if the fixed-term faculty member falls under Article 4, item (iv): a rate provided individually depending on the grounds for administrative leave.
- (6) If a fixed-term faculty member to whom the provisions of paragraph (2), paragraph (3) or the preceding paragraph apply voluntarily terminates employment or is dismissed within one month prior to the base date for the end-of-term allowance which is included in the period for payment of compensation, the fixed-term faculty member is paid the end-of-term allowance at the rate referred to in the respective paragraph; provided, however, that no end-of-term allowance is paid if the fixed-term faculty member becomes a fixed-term faculty member set forth in Article 30, paragraph (2), item (ii)(b) of the Compensation Rules during the period after the voluntary termination of employment until the base date.
- (7) A fixed-term faculty member who is on administrative leave is paid no compensation except under the provisions of the preceding paragraphs.

#### (Administrative Leave Against Fixed-Term Faculty Member's Will)

Article 7 (1) A fixed-term faculty member who falls under the grounds set forth in Article 4, item (i), (ii) or (iii) may be placed on administrative leave against the fixed term faculty member's will.

(2) If a fixed-term faculty member is placed on administrative leave against the fixed term faculty member's will, the fixed-term faculty member is provided with a written explanation stating the grounds for administrative leave at the time of placement on administrative leave.

#### (Voluntary Termination of Employment)

Article 8 If a fixed-term faculty member falls under any of the following items, the fixed-term faculty member is to voluntarily terminate employment and lose their status as a fixed-term faculty member:

- (i) if the fixed-term faculty member has applied to voluntarily terminate employment for the fixed-term faculty member's own reasons and their voluntary termination of employment has been approved;
- (ii) if the term of employment has expired;
- (iii) if the fixed-term faculty member has died or if the faculty member has gone missing and their family agrees to the voluntary termination of employment; or
- (iv) if any other grounds for voluntary termination of employment arise.

(Dismissal)

Article 9 (1) A fixed-term faculty member may be dismissed if it is difficult to continue the employment contract with the fixed-term faculty member for reasons attributable to the fixed-term faculty member.

(2) When the President decides on the dismissal of a fixed-term faculty member, the faculty council may state its opinions to the President pursuant to the provisions of Article 3, paragraph (2) of the General Regulations for Faculty Councils of Kyushu University (Kyushu University Regulation No.8 of 2004; hereinafter referred to as the "Faculty Councils General Regulations").

(Restriction on Dismissal)

Article 10 Notwithstanding the provisions of the preceding Article, no fixed-term faculty member is to be dismissed during the period that falls under any of the following items:

(i) the period of absence from work for the treatment of a fixed-term faculty member's injury or disease resulting from an employment-related cause, and the period of 30 days that follows;

(ii) the period during which a female fixed-term faculty member is absent from work before childbirth pursuant to the provisions of Article 3, paragraph (1) of the National University Corporation Kyushu University Rules for Protective Measures for Female Employees (Kyushu University Employment Regulation No.25 of 2004; hereinafter referred to as the "Rules for Protective Measures for Female Employees"); or

(iii) the period during which a female fixed-term faculty member is absent from work after childbirth pursuant to the provisions of Article 4, paragraph (1) of the Rules for Protective Measures for Female Employees, and the period of 30 days that follows.

(Advance Notice of Dismissal)

Article 11 If a fixed-term faculty member is dismissed pursuant to the provisions of Article 9, notice is given no later than 30 days in advance, or an allowance is paid in lieu of advance notice of dismissal, which is equivalent to the average wage provided in Article 12 of the Labor Standards Act for a period of 30 days or more; provided, however, that this does not apply in the case of dismissal with approval of the director of the Labor Standards Office.

(Disciplinary Action)

Article 12 When the President decides on disciplinary action of a fixed-term faculty member, the faculty council may state its opinions to the President pursuant to the provisions of Article 3, paragraph (2) of the Faculty Councils General Regulations.

Supplementary Provisions

1. These Regulations come into effect as of April 1, 2004.
2. With regard to employees who are paid a reduced amount of compensation pursuant to the provisions of paragraph (6) of the Supplementary Provisions of the National University Corporation Kyushu University Rules for Compensation of Employees, the amount of compensation is reduced by the amount provided in the following, respectively according to the categories of provisions set forth therein:
  - (a) Article 6, paragraph (1): the amount provided in the items of paragraph (6) of the same Supplementary Provisions;
  - (b) Article 6, paragraph (2) or (3): not exceeding 80 percent of the amount provided in paragraph (6), items (i) to (v) of the same Supplementary Provisions;
  - (c) Article 6, paragraph (4): not exceeding 60 percent of the amount provided in paragraph (6), items (i) to (iv) of the same Supplementary Provisions;
  - (d) Article 6, paragraph (5), item (i): not exceeding 70 percent of the amount provided in paragraph (6), items (i) to (v) of the same Supplementary Provisions;
  - (e) Article 6, paragraph (5), item (ii): not exceeding 100 percent of the amount provided in paragraph (6), items (i) to (v) of the same Supplementary Provisions;
  - (f) Article 6, paragraph (5), item (iii): the amount provided individually depending on the grounds for administrative leave; or
  - (g) Article 6, paragraph (6): the amount calculated by multiplying the amount provided in paragraph (6), item (v) of the same Supplementary Provisions by the rate for the compensation to be paid to the employee pursuant to the provisions of Article 6, paragraph (6).

Supplementary Provisions (Kyushu University Employment Regulation No.10 of 2005)

These Regulations come into effect as of April 1, 2006.

Supplementary Provisions (Kyushu University Employment Regulation No.2 of 2006)

These Regulations come into effect as of October 1, 2006.

Supplementary Provisions (Kyushu University Employment Regulation No.13 of 2006)

These Regulations come into effect as of April 1, 2007.

Supplementary Provisions (Kyushu University Employment Regulation No.1 of 2009)

These Regulations come into effect as of June 1, 2009.

Supplementary Provisions (Kyushu University Employment Regulation No.16 of 2009)

1. These Regulations come into effect as of April 1, 2010.
2. With regard to the application of the provisions of Article 5, paragraph (2) of the National University Corporation Kyushu University Regulations of Employment of Fixed-term

Faculty Members as amended, which pertain to the period of administrative leave for employees who are on administrative leave when these Regulations come into effect, the period of administrative leave shall include the period from the date on which the employee was placed on administrative leave to March 31, 2010.

Supplementary Provisions (Kyushu University Employment Regulation No.22 of 2010)  
These Regulations come into effect as of December 1, 2010.

Supplementary Provisions (Kyushu University Employment Regulation No.9 of 2011)  
These Regulations come into effect as of November 1, 2011.

Supplementary Provisions (Kyushu University Employment Regulation No.14 of 2013)  
1. These Regulations come into effect as of April 1, 2013.  
2. With regard to the term of employment of fixed-term faculty members who have been in employment since March 31, 2013, or before that date, prior regulations continue to govern, notwithstanding the provisions of Article 3 of the National University Corporation Kyushu University Regulations of Employment of Fixed-term Faculty Members as amended.

Supplementary Provisions (Kyushu University Employment Regulation No.7 of 2013)  
These Regulations come into effect as of April 1, 2014.

Supplementary Provisions (Kyushu University Employment Regulation No.11 of 2014)  
These Regulations come into effect as of April 1, 2015.

Supplementary Provisions (Kyushu University Employment Regulation No.20 of 2019)  
These Regulations come into effect as of December 14, 2019.

Supplementary Provisions (Kyushu University Employment Regulation No.32 of 2020)  
These Regulations come into effect as of April 1, 2021.

Supplementary Provisions (Kyushu University Employment Regulation No.39 of 2022)  
These Regulations come into effect as of April 1, 2023.