

National University Corporation Kyushu University Rules for Disciplinary Action against Employees

Kyushu University Employment Regulation No. 22 of 2004

Established: April 1, 2004

Last amended: December 22, 2023

(Kyushu University Employment Regulation No. 20 of 2023)

(Purpose)

Article 1 These Rules shall provide for procedures, appeals and other necessary matters relevant to a disciplinary action, reprimand and strong warning against an employee working at National University Corporation Kyushu University (hereinafter referred to as the "University"), pursuant to the provisions of Article 44, paragraph (4) and Article 45, paragraph (2) of 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").

(Person Authorized to Take Disciplinary Action)

Article 2 A disciplinary action, reprimand or strong warning is administered by the President; provided, however, that the President shall take a disciplinary action following discussion at the Board of Trustees.

(Examination System)

Article 3 (1) A disciplinary action against an employee is taken after an examination by the Disciplinary Action Examination Committee (hereinafter referred to as the "Committee").

(2) The Committee is chaired by the Executive Vice President nominated by the President, its composition and other matters are specified according to the case, and an outside attorney(s) is regularly included in its members.

(3) The Committee may request the attendance of a person(s) of reference or ask for the opinion of the person(s) if necessary.

(Examination Procedures)

Article 4 When the President takes a disciplinary action against a faculty member, if the faculty council states an opinion based on the provisions of Article 8 of the National University Corporation Kyushu University Regulations for Personnel Affairs of Faculty Members (Kyushu University Employment Regulation No. 2 of 2004), Article 12 of the National University Corporation Kyushu University Regulations of Employment of Fixed-term Faculty Members (Kyushu University Employment Regulation No. 3 of 2004) or Article 14 of the National University Corporation Kyushu University Regulations of Employment of Faculty Members (Annual Salary) (Kyushu University Employment Regulation No. 5 of 2011), the President shall have the Committee examine the disciplinary action attaching the faculty council's opinion.

Article 5 (1) The Committee must give an employee subject to examination an opportunity to make statements.

(2) In conducting the examination referred to in Article 3, paragraph (1), the Committee must

deliver a written explanation describing the grounds for examination to the employee subject to examination.

(3) If an employee subject to examination files a request within 14 days after receipt of the written explanation referred to in the preceding paragraph, the Committee must give the employee an opportunity to make statements orally or in writing.

(Determination of Disciplinary Action)

Article 6 The determination of disciplinary action shall be made through comprehensive consideration, with reference to the guidelines separately prescribed.

(Procedures for Disciplinary Action, etc.)

Article 7 (1) A disciplinary action is taken by delivering a written disciplinary action to the employee subject to the action.

(2) A disciplinary action shall become effective upon delivery of a written disciplinary action.

(3) If the whereabouts of the employee subject to disciplinary action cannot be ascertained, a public notice is made by the method referred to in Article 98, paragraph (2) of the Civil Code (Act No. 89 of 1896), and a written disciplinary action is deemed to have been delivered upon the lapse of two weeks from the date of the public notice pursuant to paragraph (3) of the same Article.

(Period of Suspension from Work)

Article 8 The calculation of the period of suspension from work imposed as a disciplinary action is based on a calendar date and the period is calculated from the date following the effective date of the action.

(Compensation Reduction)

Article 9 (1) The compensation reduction imposed as a disciplinary action is made by deducting the amount of compensation reduction from the compensation to be paid immediately after the effective date of the disciplinary action.

(2) Notwithstanding the provisions of the preceding paragraph, if the total amount to be reduced from compensation exceeds one-tenth of the total amount of compensation, the amount of the excess is reduced on the date of payment of the compensation of the following month and later.

(Reprimand and Strong Warning)

Article 10 (1) Where the President determines that a case does not warrant disciplinary action but finds it necessary to take measures, a reprimand or strong warning may be issued.

(2) A reprimand shall be issued by delivering a written document.

(3) A strong warning, which does not amount to a reprimand, shall, in principle, be issued in writing; provided, however, that a person designated by the President may issue it orally.

(Appeal)

Article 11 (1) If an employee is dissatisfied with the disciplinary action, the employee may file an appeal in writing with the President within 60 days from the date following date of the delivery of the written disciplinary action.

(2) If an appeal has been filed by an employee subject to a disciplinary action, the President establishes an appeal review committee and conducts a review.

(Publication of Action)

Article 12 When a disciplinary action has been taken, it is publicized in principle.

(Treatment of Employees Employed as Full-Time Workers or Part-Time Workers for Fixed Term)

Article 13 With regard to employees who are employed as full-time workers for a fixed term or employed as part-time workers for a fixed term pursuant to the provisions of Article 2, paragraph (2) of the General Regulations of Employment, the provisions of these Rules do not apply as set forth in Appended Table 1.

(Treatment of Employees Whose Labor Contracts Have Been Converted to Labor Contracts Without Fixed Term)

Article 14 With regard to employees whose fixed-term labor contracts have been converted to labor contracts without a fixed term pursuant to the provisions of Article 2, paragraph (3) of the General Regulations of Employment, the provisions of these Rules do not apply as set forth in Appended Table 2.

Supplementary Provisions

1. These Rules come into effect as of April 1, 2004.
2. If it becomes obvious that a person who has become an employee of the University pursuant to the provisions of Article 4 of the Supplementary Provisions of the National University Corporation Act (Act No. 112 of 2003) (hereinafter referred to as "employees with continued status") has engaged in misconduct that constitutes any of the grounds for disciplinary action provided in the items of Article 44, paragraph (1) of the General Regulations of Employment before these Rules come into effect, a disciplinary action is taken pursuant to these Rules. Even if the misconduct is not subject to a disciplinary action, reprimand, etc. is issued pursuant to these Rules if necessary.
3. Prior rules continue to govern an employee with continued status" who was subject to suspension from duty or compensation reduction imposed as a disciplinary action pursuant to the provisions of Article 82 of the National Public Service Act (Act No. 120 of 1947) before these Rules came into effect and for whom the period of the suspension from duty or compensation reduction started on or after April 1, 2004.

Supplementary Provisions (Kyushu University Employment Regulation No. 53 of 2004)

These Regulations come into effect as of April 1, 2005.

Supplementary Provisions (Kyushu University Employment Regulation No. 31 of 2006)

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

Supplementary Provisions (Kyushu University Employment Regulation No. 26 of 2012)

These Regulations come into effect as of April 1, 2013.

Supplementary Provisions (Kyushu University Employment Regulation No. 20 of 2014)
These Regulations come into effect as of April 1, 2015.

Supplementary Provisions (Kyushu University Employment Regulation No. 20 of 2023)
These Regulations come into effect as of January 1, 2024.

Appended Table 1 (Re: Article 13)

Persons Concerned	Provisions Excluded from Application
Temporary staff	Article 9 (Compensation Reduction)
Part-time staff	Article 9 (Compensation Reduction)

Appended Table 2 (Re: Article 14)

Persons Concerned	Provisions Excluded from Application
Temporary staff (converted to contracts without fixed term)	Article 9 (Compensation Reduction)
Part-time staff (converted to contracts without fixed term)	Article 9 (Compensation Reduction)