

○ Hiroshima University Regulations for Disciplinary Punishment of Employees

(April 1, 2004 Regulations No. 97)

Amended on: Regulations No. 66 of March 31, 2005	Regulations No. 109 of June 1, 2005
Regulations No. 65 of March 22, 2007	Regulations No. 152 of June 29, 2007
Regulations No. 71 of March 31, 2009	Regulations No. 84 of March 31, 2010
Regulations No. 28 of March 31, 2011	Regulations No. 115 of December 24, 2014
Regulations No. 44 March 24, 2016	Regulations No. 31 March 27, 2017

Hiroshima University Regulations for Disciplinary Punishment of Employees
(Purpose)

Article 1 These Regulations prescribe necessary matters in connection with disciplinary action, etc. against employees working at Hiroshima

of Article 45, paragraph 3 of the Hiroshima University Work Regulations for Employees (Regulations No. 78 of April 1, 2004; hereinafter, the

University Regulations for Mariners (Regulations No. 79 of April 1, 2004; hereinafter, the "Mariners Work Regulations") and Article 34, paragraph 2 of the Hiroshima University Work Regulations for Re-Employed Employees (Regulations No. 80 of April 1, 2004; - Employed Employees Work Regulations").

(Investigative Committee)

Article 2 When taking disciplinary action, if the President deems it necessary to conduct investigation for fact-checking and other purposes, he/she may establish an investigative committee and conduct necessary investigation through the committee.

2. The members of an investigative committee and other necessary matters shall be determined each time it is organized, as appropriate according to the subject incident.
3. The investigative committee shall report to the President the results of the investigation in writing.

(Disciplinary Action against University Teacher)

Article 3 Any disciplinary action intended against a Professor, Associate Professor, Lecturer, Assistant Professor or Research Associate (hereinafter collectively, a "University Teacher") shall be taken after going through a review process by the Education and Research Council (hereinafter, the "Council"); provided, however, that if either of the following applies, disciplinary action may be taken without being subject to a review by the Council:

- (1) The subject of the disciplinary action is University Teacher probation;
or
- (2) The University Teacher who is found to have committed an act justifying dismissal under instruction or punitive dismissal has requested resignation.

2. When initiating a review process under the preceding paragraph, the Council shall deliver to the University Teacher subject to the review (hereinafter, the "Respondent University Teacher") a Review Explanation Form on Appended Form No. 1 describing the reason for initiating a review process; provided, however, that if the whereabouts of the Respondent University Teacher are unknown or if the Council is unable to deliver the Review Explanation Form because the Respondent University Teacher refuses to receive it or for any other reason, the situation shall be dealt with by following the procedures described below, as applicable:

- (1) If the whereabouts of the Respondent University Teacher to which the Review Explanation Form is addressed are unknown at the time of delivery, the Council shall take the procedure to place a public notice as stipulated by the Civil Code (Act No. 89 of 1896) with the summary court having jurisdiction over the last place of domicile of the Respondent University Teacher, and the Review Explanation Form shall be deemed to have been delivered upon the passage of two weeks from the date of such public notice.
- (2) If the Council is unable to deliver the Review Explanation Form because the Respondent University Teacher refuses to receive it or for any other reason, the Review Explanation Form shall be deemed to have been delivered when handed to any family member living with the Respondent University Teacher or when posted and delivered via content-certified mail or simple registered mail.

3. If the Respondent University Teacher requests within five days (excluding the holidays prescribed in Article 4, paragraph 1 of the Hiroshima University Regulations for Working Hours, Time-off and Leave for Employees (Regulations No. 91 of April 1, 2004) (hereinafter, the "holidays prescribed in the Working Hours, Etc. Regulations") from the date following the date on which the Review Explanation Form was delivered under the preceding paragraph, the Council shall provide the Respondent University Teacher with an opportunity to make a statement orally or in writing.
4. When providing an opportunity to make a statement under the preceding paragraph, the Council shall give the Respondent University Teacher a written notice specifying the date, time and place to make the statement, etc. if made orally, or specifying the due date for submission, etc. if made in writing, within five days (excluding the holidays prescribed in the Working Hours, Etc. Regulations) prior to the date on which the statement is to be made.
5. If deemed necessary to facilitate the review process, the Council may request one or more witnesses to be present or seek their opinions.
6. If any employee who is not a University Teacher is found to be relevant to the disciplinary action against the Respondent University Teacher, the Council may conduct a review on the employee in conjunction with the review for disciplinary action against the Respondent University Teacher.
7. The Council shall provide the employee who is subject to a review under the preceding paragraph with an opportunity to make a statement.
8. The provisions of paragraphs 2 to 4 in this Article shall apply mutatis mutandis to the procedure for a review and a statement under the preceding two paragraphs.
9. The Council shall make decisions as to the matters prescribed in paragraph 3 through the preceding paragraph and other necessary matters

- (2) The act in question clearly justifies the disciplinary action and the employee has admitted to having committed the act;
 - (3) The review for disciplinary action against the employee is to be conducted by the Council; or
 - (4) The employee who is found to have committed an act justifying dismissal under instruction or punitive dismissal has requested resignation.
2. The Disciplinary Review Committee shall be placed under the Executive Director (Financial and General Affairs) (hereinafter, the "Executive Director"), and the members and other necessary matters shall be determined each time a meeting is organized, as appropriate according to the subject incident.
 3. When initiating a review process under paragraph 1 above, the Disciplinary Review Committee shall deliver to the employee subject to the review (hereinafter, the "Respondent Employee") a Review Explanation Form on Appended Form No. 2 describing the reason for initiating a review; provided, however, that if the whereabouts of the Respondent Employee are unknown or if the Disciplinary Review Committee is unable to deliver the Review Explanation Form because the Respondent Employee refuses to receive it or for any other reason, the provision of Article 3, paragraph 2 shall apply mutatis mutandis to the procedures to be followed to deal with the situation:
 4. If the Respondent Employee requests within five days (excluding the holidays prescribed in the Working Hours, Etc. Regulations) from the date following the date on which the Review Explanation Form was delivered under the preceding paragraph, the Disciplinary Review Committee shall provide the Respondent Employee with an opportunity to make a statement orally or in writing.
 5. When providing an opportunity to make a statement under the preceding paragraph, the Disciplinary Review Committee shall give the Respondent Employee a written notice specifying the date, time and place to make the statement, etc. if made orally, or specifying the due date for submission, etc. if made in writing, within five days (excluding the holidays prescribed in the Working Hours, Etc. Regulations) prior to the date on which the statement is to be made.

6. If deemed necessary to facilitate the review process, the Disciplinary Review Committee may request one or more witnesses to be present or seek their opinion.
7. The Disciplinary Review Committee shall report in writing the results of the review to the Executive Director.
8. The Executive Director shall report the results of the review in the preceding paragraph to the President.
(Policy on Disciplinary Action)

Article 5 In order to ensure a fairer disciplinary procedure, the President shall make decisions on determinations of disciplinary action in accordance with the Hiroshima University Policy on Disciplinary Action against Employees (President's Decision of April 1, 2004).
(Procedure for Disciplinary Action)

Article 6 Any disciplinary action shall be taken by delivering a Disciplinary Action Form on Appended Form No. 3 describing the reason for the disciplinary action; provided, however, that if the whereabouts of the Respondent Employee are unknown or if the Disciplinary Review Committee is unable to deliver the Review Explanation Form because the Respondent Employee refuses to receive it or for any other reason, the provision of Article 3, paragraph 2 shall apply mutatis mutandis to the procedures to be followed to deal with the situation:
(Effect of Disciplinary Action)

Article 7 The effect of disciplinary action shall arise upon the delivery of a Disciplinary Action Form to the subject employee.
(Calculation of Period for Disciplinary Action)

Article 8 Calculation of periods for disciplinary suspension of employment, suspension from work and suspension from attendance shall be made based on calendar days.

2. A period for disciplinary action under the preceding paragraph shall not include the effective date for said disciplinary action, but it shall count from the date following said effective date.
(Method of Pay Reduction)

Article 9 A pay reduction shall be made by reducing the amount to be reduced from the salary on the salary payment day of the month following the effective date for said pay reduction.

2. If the amount of the pay reduction exceeds 10% of the total amount of salary to be paid on the salary payment date, the amount in excess of 10%

shall be reduced on the salary payment day of the following or subsequent month.

(Publication of Disciplinary Action)

Article 10 All disciplinary actions taken shall, in principle, be made public.

2. The President shall make decisions as to the method of publication under the preceding paragraph and other relevant matters in accordance with the Hiroshima University Policy on Publication of Disciplinary Action against Employees (President's Decision of April 1, 2004).

3. When making a decision under the preceding paragraph, the President shall seek opinions from the Council or the Disciplinary Review Committee, whichever conducted a review on the disciplinary action.

(Scope of Misconduct Subject to Disciplinary Action)

Article 11 Any misconduct of an employee who was continuously appointed from a national public employee (including those belonging to special service), an official of specified incorporated administrative agencies, an official to whom the Act on Special Measures Concerning Remuneration, etc. of Officials Who Work for a Corporation Operated by the State Performing National Forestry Projects (Act No. 141 of 1954) is applied, a local public officer, an employee of a local incorporated administrative agency, an employee of a specified local incorporated administrative agency, or an employee of the Okinawa Development Finance Corporation or any other corporation whose business is closely related to that of the national government to which the provisions of the items of Article 9-2 of the Order for Enforcement of the National Public Officers Retirement Allowance Act (Cabinet Ordinance No. 215 of 1953) are applied (hereinafter collectively, a "national public employee") shall fall within the scope of subjects of disciplinary action, if such act is committed during a period while his/her status as a national public employee is deemed to be continuing.

(Determination of Punishment Equivalent to Disciplinary Action)

Article 12 The provisions of Article 2 through the preceding Article shall apply mutatis mutandis to determinations of punishment equivalent to disciplinary action against a person who has retired or has been dismissed pursuant to the provisions of Article 45-2 of the Employees Work Regulations or Article 63-2 of the Mariners Work Regulations. In this case, the terms listed in the middle column of the table below, which appear in

the provisions listed in the left-hand column, shall be replaced with the terms listed in the right-hand column of said table.

Provisions containing terms to be replaced	Terms to be replaced	Terms to replace
Article 2, paragraph 1; Article 3, paragraphs 1 and 6; and Article 4, paragraph 1	disciplinary action	determination of punishment equivalent to disciplinary action
Article 3, paragraph 1	a Professor, Associate Professor, Lecturer, Assistant Professor or Research Associate (hereinafter collectively, a "University Teacher")	an ex-Professor, Associate Professor, Lecturer, Assistant Professor or Research Associate (hereinafter collectively, an "Ex-University Teacher")
Article 3, paragraphs 1 through 3	University Teacher	Ex-University Teacher
Article 3, Paragraph 2	Review Explanation Form on Appended Form No. 1	Review Explanation Form on Appended Form No. 4
Article 3, paragraphs 6 and 7; Article 4, paragraphs 1, 3 and 4; Article 6; and Article 7	employee	ex-employee
Article 4, paragraph 3	Review Explanation Form on Appended Form No. 2	Review Explanation Form on Appended Form No. 5
Article 5; Article 6; Article 7; Article 10, paragraphs 1 and 3; and Article 11	disciplinary action	determination of punishment equivalent to disciplinary action
Article 5	determination of disciplinary action	determination of punishment equivalent to disciplinary action
Article 6	Disciplinary Action Form on Appended Form No. 3	Determination Document for Punishment Equivalent to Disciplinary Action on Appended Form No. 6
Article 7	Disciplinary Action Form	Determination Document for Punishment Equivalent to Disciplinary Action
Article 11	an employee who was appointed (from ---)	an employee who was appointed and then has retired or has been dismissed

(Miscellaneous)

Article 13 If it is impossible, or if the President deems it seriously inappropriate, to apply these Regulations due to any special circumstance,

the University may deal with such situation differently than prescribed herein.

Supplementary Provisions

1. These Regulations shall come into effect on April 1, 2004.
2. If an employee receives disciplinary action under the National Public Service Act and if the period of suspension from work or pay reduction is

These Provisions shall come into effect on April 1, 2005.

Supplementary Provisions (Provisions No. 109 of June 1, 2005)

These Provisions shall come into effect as of June 1, 2005, and the provisions of the Hiroshima University Regulations for Disciplinary Punishment of Employees as amended by these Provisions shall apply beginning on May 21, 2005.

Supplementary Provisions (Provisions No. 65 of March 22, 2007)

These Provisions shall come into effect on April 1, 2007.

Supplementary Provisions (Provisions No. 152 of June 29, 2007)

These Provisions shall come into effect as of June 29, 2007, and the provisions of the Hiroshima University Regulations for Disciplinary Punishment of Employees as amended by these Provisions shall apply beginning on May 21, 2007.

Supplementary Provisions (Provisions No. 71 of March 31, 2009)

These Provisions shall come into effect on April 1, 2009.

Supplementary Provisions (Provisions No. 84 of March 31, 2010)

These Provisions shall come into effect on April 1, 2010.

Supplementary Provisions (Provisions No. 28 of March 31, 2011)

These Provisions shall come into effect on April 1, 2011.

Supplementary Provisions (Provisions No. 115 of December 24, 2011)

These Provisions shall come into effect on January 1, 2015.

Supplementary Provisions (Provisions No. 44 of March 24, 2016)

These Provisions shall come into effect on April 1, 2016.

Supplementary Provisions (Provisions No. 31 of March 27, 2017)

These Provisions shall come into effect on April 1, 2017.

Appended Form No. 1 (Related to Article 3, paragraph 2)

Review Explanation Form

[Refer to the attachment.]

Appended Form No. 2 (Related to Article 4, paragraph 3)

Review Explanation Form

[Refer to the attachment.]

Appended Form No. 3 (Related to Article 6)

Disciplinary Action Form

[Refer to the attachment.]

Appended Form No. 4 (Related to Article 12)

Review Explanation Form

[Refer to the attachment.]

Appended Form No. 5 (Related to Article 12)

Review Explanation Form

[Refer to the attachment.]

Appended Form No. 6 (Related to Article 12)

Determination Document for Punishment Equivalent to Disciplinary Action

[Refer to the attachment.]

Appended Form No. 1 (Related to Article 3, paragraph 2)

Review Explanation Form

(Assigned department, job title)	(Name)
(Basis Regulations)	(Type and severity of disciplinary action)
(Reason for review)	
<p>The Hiroshima University Education and Research Council has determined the disciplinary action against you for the reason described above in accordance with the provisions of Article 3, paragraph 1 of the Hiroshima University Regulations for Disciplinary Punishment of Employees and issues this Review Explanation Form to you pursuant to Article 3, paragraph 2 of said Regulations.</p> <p style="text-align: center;">Hiroshima University Education and Research Council</p>	
(Date of determination) ,	(Date of issuance) ,
<p>(Information)</p> <p>Under the provisions of Article 3, paragraph 3 of the Hiroshima University Regulations for Disciplinary Punishment of Employees, you will be given an opportunity to make a statement orally or in writing by filing a request with the Hiroshima University Education and Research Council within five days (excluding holidays (meaning Saturdays, Sundays and the holidays prescribed in the National Holidays Act (Act No. 178 of 1948) and the six days from December 29 to January 3 of the following year) from the date following the date on which this Review Explanation Form is delivered.</p>	

Appended Form No. 2 (Related to Article 4, paragraph 3)

Review Explanation Form

(Assigned or belonging department, job title)	<u>(Name)</u>
(Basis Regulations)	(Type and severity of disciplinary action)
(Reason for review)	

Appended Form No. 3 (Related to Article 6)

Disciplinary Action Form

(Assigned or belonging department, job title)	(Name)
(Description of disciplinary action)	
(Date of announcement of disciplinary action) Date: _____ , _____	
President of Hiroshima University	Seal

Reason for disciplinary action, etc.	
(Reason for disciplinary action)	
Date of issuance of Disciplinary Action Form Date: _____ , _____	Effective date of disciplinary action Date: _____ , _____

Appended Form No. 4 (Related to Article 12)

Review Explanation Form

(Former assigned department, former job title)	(Name)
(Basis Regulations)	(Type and severity of punishment equivalent to disciplinary action)

Appended Form No. 5 (Related to Article 12)

Review Explanation Form

(Former assigned or belonging department, former job title)	(Name)
(Basis Regulations)	(Type and severity of punishment equivalent to disciplinary action)
(Reason for review)	
<p>The Hiroshima University Disciplinary Review Committee has determined punishment equivalent to disciplinary action against you for the reason described above in accordance with the provisions of Article 4, paragraph 1 of the Hiroshima University Regulations for Disciplinary Punishment of Employees, which shall apply mutatis mutandis to Article 12 of said Regulations, and issues this Review Explanation Form to you pursuant to Article 4, paragraph 3 of said Regulations, which shall apply mutatis mutandis to Article 12 of said Regulations.</p> <p style="text-align: right;">Hiroshima University Disciplinary Review Committee</p>	
(Date of determination) ,	(Date of issuance) ,
<p>(Information)</p> <p>Under the provisions of Article 4, paragraph 4 of the Hiroshima University Regulations for Disciplinary Punishment of Employees, which shall apply mutatis mutandis to Article 12 of said Regulations, you will be given an opportunity to make a statement orally or in writing by filing a request with the Hiroshima University Disciplinary Review Committee within five days (excluding holidays (meaning Saturdays, Sundays and the holidays prescribed in the National Holidays Act (Act No. 178 of 1948) and the six days from December 29 to January 3 of the following year) from the date following the date on which this Review Explanation Form is delivered.</p>	

Appended Form No. 6 (Related to Article 12)

Determination Form for Punishment Equivalent to Disciplinary Action

(Former assigned or belonging department, former job title)	(Name)
(Description of determination of punishment equivalent to disciplinary action)	
(Date of determination of punishment equivalent to disciplinary action) Date: ,	
<div style="display: flex; justify-content: space-between; align-items: center;"> President of Hiroshima University Seal </div>	

Reason for determination of punishment equivalent to disciplinary action, etc.	
Reason for determination of punishment equivalent to disciplinary action	
Date of issuance of Determination Form for Punishment Equivalent to Disciplinary Action Date: ,	Effective date of determination of punishment equivalent to disciplinary action Date: ,