

Regulation Concerning Disciplinary Punishment of Personnel of the Public University Corporation, The University of Aizu

(Regulation No.47 April 1, 2006)  
(Regulation No.81 February 26, 2007)  
(Regulation No.26 February 22, 2017)

**Article One**  
(Objective)

1.1 This REGULATION, based upon the provisions of Article 38 of the Ruling Concerning Office Regulations for Personnel of the Public University Corporation, The University of Aizu (hereinafter referred to as the “WORK REGULATIONS”), provides for necessary matters concerning discipline of personnel of the Public University Corporation, the University of Aizu (hereinafter referred to as the “CORPORATION”).

**Article Two**

(Types of Disciplinary Punishment)

2.1 There shall be the following types of disciplinary punishment:

- (1) Reprimand: A reprimand shall be handed out to warn relevant personnel to correct their conduct in the future.
- (2) Salary reduction: Salary shall be reduced for a period not exceeding a year. In this case, the amount to be reduced for each salary reduction shall not exceed half a day's average salary, and the total amount of salary reduction shall not exceed a tenth of the salary for one salary period.
- (3) Suspension: Personnel shall be suspended for a period not exceeding a year. During this period, the personnel's status shall be guaranteed, but the personnel shall not be paid any salary.
- (4) Punitive dismissal: The personnel shall be dismissed immediately and without prior notice. If the approval of the director of the relevant presiding Labour Standard Inspection Office is obtained, the payment in lieu of notice shall not be paid.

**Article Three**

(Procedures for Disciplinary Punishment)

3.1 Disciplinary punishment shall be brought against personnel by issuing official notification and statement of disciplinary action on attached forms (hereinafter referred to as the “official notification, etc.”) to the relevant personnel.

3.2 If, in issuing the official notification, etc. of Paragraph 3.1, the whereabouts of the relevant personnel are unknown, the intention to bring disciplinary action against the personnel shall be manifested by publicly announcing the disciplinary action by using a method provided for in the Civil Code (Law No. 89, 1896), Article 98, Paragraph 2. In such cases, the official notification, etc. shall, by the provisions of the Civil Code, Article 98, Paragraph 3, be deemed to have been issued to personnel after the passage of two weeks after the public announcement.

#### **Article Four**

(Method of Salary Reduction)

4.1 In the case of the salary reduction, the amount to be reduced shall be deducted from the personnel's salary on the salary payment date that falls immediately after the day the salary reduction takes effect. (If the salary reduction takes effect on a salary payment date, the amount shall be deducted on the next salary payment date.)

4.2 If the personnel resigns or retires before the salary payment date on which the salary is reduced, the salary reduction shall not apply through the personnel's resignation or retirement.

#### **Article Five**

(Calculation of the Period of Suspension)

5.1 The calculation of the period of suspension shall be based on the calendar.

5.2 For the calculation of the period of suspension of Paragraph 5.1, the period of suspension shall begin on the day following the day the disciplinary action takes effect.

#### **Article Six**

(Request for Investigation)

6.1 When the Chairperson of the Board of Executives (Hereinafter, Chairperson) considers that any cause for disciplinary action as provided for in the PERSONNEL OFFICE REGULATIONS, Article 38, Paragraph 1 (referred to as the "CAUSES OF DISCIPLINARY ACTION" in this article), has been brought about by personnel who are faculty members (professors, associate professors, lecturers, assistant professors, research associates. hereinafter likewise.), the Chairperson shall, for each occasion, establish a commission of inquiry and instruct the commission to investigate the case. The commission in the University of Aizu shall consist of deans and directors provided for in Article 2.2 of the University Regulation Concerning the Internal Administrative Organization and Other Aspects of the University of Aizu, etc. The commission in the University of Aizu Junior College Division shall consist of directors provided for in Article 2.2 of the University Regulation Concerning the Internal Administrative Organization and Other Aspects of the University of Aizu Junior College Division, etc. The deans and directors serving as members of either commission shall hereinafter referred to as "MEMBER(S)."

6.2 When a MEMBER considers that any cause for disciplinary action has been brought about by a faculty member in the department or center of the MEMBER, the dean or director may request the Chairperson to establish a commission of inquiry described in the foregoing paragraph. The Chairperson may establish a commission of inquiry described in Paragraph 6.1 and instruct the commission to investigate the case.

6.3 Notwithstanding the provisions of the above paragraphs 6.1 and 6.2, the Chairperson may, when it is evident that any cause for disciplinary action has in fact been brought about, refer the case immediately for examination described in Article 7, Paragraph 2, without investigation by a commission of inquiry.

## **Article Seven**

(Referral of Examination)

7.1 The commission of inquiry must report without delay the results of its investigation described in Article 6, Paragraph 1 or 2, to the Chairperson.

7.2 When, based on the results of the investigation, the Chairperson considers that taking disciplinary action against the faculty member in question is appropriate, the Chairperson shall refer the case to the Deans and Directors Council provided for in Article 18 of the University Regulation Concerning the Internal Administrative Organization and Other Aspects of the University of Aizu if the case is handled at the University of Aizu. When the case is handled at the University of Aizu Junior College Division, the Chairperson shall refer the case to Directors Council provided for in Article 15 of the University Regulation Concerning the Internal Administrative Organization and Other Aspects of the University of Aizu Junior College Division (hereinafter referred to as the "COUNCIL.") The COUNCIL shall examine whether disciplinary action is warranted and, if so, what kind of disciplinary punishment should be taken.

7.3 The COUNCIL shall promptly begin examination upon referral.

## **Article Eight**

(Provision of Opportunities for Explanation)

8.1 When conducting the examination of Article 7, Paragraph 3, the COUNCIL must give the faculty members in question opportunities to explain the situation either verbally or in writing.

## **Article Nine**

(Referential Witnesses)

9.1 The COUNCIL may, when deemed necessary for the examination of Article 7, Paragraph 3, summon witnesses or otherwise hear the views of witnesses.

## **Article Ten**

(Resolution and Report by COUNCIL)

10.1 The COUNCIL shall decide whether disciplinary actions should be taken and, if so, decide on a plan of disciplinary punishment.

10.2 Two thirds or more of the constituents of the councils must be present for the decision of Paragraph 10.1 to take place.

10.3 A vote of two thirds or more of the constituents present shall be required to approve the decision of the above paragraph 10.1.

10.4 The COUNCIL must without delay refer the decision regarding the above paragraph 10.1 to the Board of Executives.

## **Article Eleven**

(Issuance of Letters of Disciplinary Punishment)

11.1 The Chairperson shall, upon the decision of the Board of Executives decide on a plan of disciplinary action against a faculty member or other personnel, issue official notification, etc. to the personnel based on the decision.

11.2 The provisions of Article 10, Paragraphs 2 and 3 shall apply to the decision by the Board of Executives.

### **Article Twelve**

(Miscellaneous Regulations)

12.1 The Chairperson shall separately determine other matters related to disciplinary punishment for personnel other than provided for in this REGULATION.

### **Additional Provisions**

(Effective Date)

1. This Ruling shall take effect as of April 1, 2006.

(Interim Measures on Conduct before the Effective Date)

2. If the conduct of the personnel before the effective date of this REGULATION corresponds to actions being cause for disciplinary action as provided for in PERSONNEL OFFICE REGULATIONS, Article 38, disciplinary action, as provided for in PERSONNEL OFFICE REGULATIONS, Article 39, may be taken against such personnel.

(Interim Measures on the Effectiveness of Disciplinary Punishment before the Effective Date)

3. For those personnel subjected to disciplinary action by the provision of the Local Public Service Law (Law No. 261, 1950), Article 29, before the effective date of this REGULATION and the effectiveness of the previous disciplinary punishment is valid after the effective date of this REGULATION, the disciplinary punishment shall be deemed as one of the types of disciplinary punishment as provided for in the PERSONNEL OFFICE REGULATIONS, Article 39, and the effectiveness of the disciplinary punishment shall be maintained in its original form and duration, unless a specific order to the contrary is issued.

### **Additional Provisions**

This Ruling shall take effect as of April 1, 2007.

### **Additional Provisions**

This Ruling shall take effect as of April 1, 2017.

## Appendix

Forms related to Article 3

### Official Notification

Position	Name
Place of work	
Details of Disciplinary Punishment	
Date	
<p>Chairperson of the Board of Executives Public University Corporation of the University of Aizu</p>	

## Notification of Disciplinary Action

### Notification of Disciplinary Action

1. Disciplining Authority  
Position:  
Name:
2. Person subject to disciplinary punishment  
Name:  
Department:  
Position:
3. Period of disciplinary punishment
4. Grounds for disciplinary punishment
5. Type of disciplinary punishment
6. Reason for disciplinary punishment

(Instructions)