

Regulations on Disciplinary Actions for Nagasaki University Employees

(Purpose)

Article 1 These Regulations shall, based on Article 42 of the Rules of Employment for Nagasaki University Employees (Rule No. 44 of 2004: hereinafter, “Rules”) and Article 61 of the Rules of Employment for Nagasaki University Mariners (Rule No. 48 of 2004: hereinafter, “Mariners’ Rules”), provide for necessary matters relating to disciplinary actions for Employees working at Nagasaki University (hereinafter, “University”).

(Reason for Disciplinary Actions)

Article 2 If an Employee falls under any of the following items, the President may, after examination by the personnel affairs committee provided for in the Nagasaki University Personnel Affairs Committee Rules (Rule No. 36 of 2004) (hereinafter, “Personnel Affairs Committee”), take disciplinary actions against said Employee:

- (1) If the Employee is absent from work without justifiable reason and without advance notice;
- (2) If the Employee is not diligent in his/her work as shown by the fact that he/she often comes to the office late or leaves the office early without justifiable reason;
- (3) If the Employee causes damage to the University by willful misconduct or gross negligence;
- (4) If the Employee commits any criminal offense including theft, embezzlement or injury;
- (5) If the Employee seriously damages the honor or trust of the University;
- (6) If the Employee behaves improperly, or disturbs the order or morals of the University;
- (7) If the Employee declares his/her personal history fraudulently;
- (8) If the Employee commits an improper act in research activities;
- (9) If the Employee makes unauthorized use of research funds; or
- (10) If the Employee violates the Rules, the Mariners’ Rules or other regulations prescribed by the University or engages in any act similar to those of the foregoing.

(Types and Details of Disciplinary Actions)

Article 3 The types and details of disciplinary actions shall be as follows and shall

apply according to the details and situation of the case:

- (1) Reprimand The University shall caution the Employee in question in regard to his/her future conduct;
 - (2) Salary cut The University shall cut the Employee's salary within the scope of half a day's average wage on one occasion and of one-tenth of the total salary for the month in total;
 - (3) Suspension of coming to the office The University shall suspend the Employee's coming to the office for a period of one day or more and not exceeding 20 days, shall not allow the Employee to engage in his/her duties, and shall not pay salary for the period.
 - (4) Suspension of work The University shall suspend the Employee's coming to the office for a period of one month or more and not exceeding 3 months, shall not allow the Employee to engage in his/her duties, and shall not pay salary for the period.
 - (5) Dismissal under Instruction The University shall recommend the Employee to submit an application for resignation, provided that if the Employee does not accept such recommendation, the University shall dismiss him/her either by setting or without setting an advance notice period.
 - (6) Disciplinary dismissal The University shall dismiss the Employee without setting an advance notice period and shall not pay a retirement allowance.
- 2 The period of suspension of coming to the office set forth in item 3 of the preceding paragraph and the period of suspension of work set forth in item 4 of said paragraph shall be calculated based on calendar days, and the starting date of calculation shall be the day immediately following the day on which the disposition in question becomes effective.
- 3 In the case where the University dismisses an Employee without setting the advance notice period pursuant to the provisions of items 5 and 6 of paragraph 1, and if the approval of the director of the competent labor standards office is obtained, the University shall not pay a dismissal advance notice allowance (which refers to the average wage for not less than 30 days that the employer is required to pay, as set forth in paragraph 1 of Article 20 of the Labor Standards Act (Act No. 49 of 1947)).

(Disciplinary Actions against University Education Staff)

Article 4 If disciplinary actions are taken against University Education Staff, an examination by the Education and Research Council set forth in Article 28 of the National University Corporation Nagasaki University Basic Rules (Rule No. 1 of 2004) shall be conducted after the examination by the Personnel Affairs Committee is completed.

(Determination of Disciplinary Actions)

Article 5 Disciplinary action to be taken shall be determined by comprehensively taking account of the matters set forth in Appended Table and in the following:

- (1) The manner in which the Employee committed the violating act, the extent of damage, and the degree of social significance, such as judicial trends;
- (2) The responsibility of the Employee who committed the violating act, the degree of his/her negligence, and the extent of disrepute, including any impact on his/her duties;
- (3) The specific circumstances of the Employee who committed the violating act, including his/her usual attitude toward work and habitual nature; and
- (4) Actions taken after the violating act.

2 In the case of a violating act which falls within item 10 of Article 2 and whose violation contents are not those listed in Appended Table, the disciplinary action shall be determined by referring to the corresponding actions listed in Appended Table and by comprehensively taking account of the matters listed in the items of the preceding paragraph.

3 In the case where a person who received disciplinary action in the past has committed a similar violating act, the degree of his/her disciplinary action shall be aggravated.

(Management and Supervisory Responsibility)

Article 6 In the case where disciplinary action has been taken against an Employee and the supervisor of that Employee falls within any of the following items, the President shall also take disciplinary action against the supervisor:

- (1) The supervisor failed to properly manage and supervise the Employee subject to disciplinary action; or

(2) Despite knowing the violating act of the Employee, the supervisor concealed or knowingly ignored the act concerned.

(Disciplinary Actions against Relevant Employees)

Article 7 In the case where disciplinary action has been taken against an Employee, and another Employee falls within any of the following items, the President shall also take disciplinary action against the latter:

- (1) The other Employee is found to have induced the violating Employee to commit the violating act in question, or to have aided and abetted the violating act; or
- (2) Despite knowing the violating act of the Employee, the other Employee concealed or knowingly ignored the violating act concerned.

As provided for in Appended Table (Exhibit)

(Exhibit)

Appended Table Example Standards of Disciplinary Actions

1. General Service

Violation	Details of Violation of Service Obligation	Standards of Disciplinary Actions					
		Disciplinary	Dismissal under Instruction	Suspension of work	Suspension of coming to the office	Salary cut	Reprimand
1. Absence from work	(1) Absent from work for not more than 10 days without justifiable reason					○	○
	(2) Absent from work for 11 days or more but not more than 20 days without justifiable reason			○	○	○	
	(3) Absent from work for 21 days or more without justifiable reason	○	○	○			
2. Lateness/Leaving early	Repetitively absent from work at the beginning or end of the working hours						○
3. False application for leave	Make a false application for sick leave, special leave or other leave requiring approval					○	○
4. Improper attitude toward work	Cause trouble in the management of operations, for example, by repetitively leaving the workplace or engaging in private matters during the working hours and thereby neglecting one's duties, or by disobeying a superior's orders in the execution of one's duties					○	○
5. Disturbance of order in the workplace	(1) Disturb the order in the workplace, for example, by committing violence or using abusive language against a superior or other Employee			○	○	○	○

	(2) Disturb the order in or debase the morals of the University by conducting political or religious activities, or other similar activities			○	○	○	○
6. Falsification/ Fabrication	(1) Falsify an important part of one's personal history	○	○				
	(2) Fabricate a research paper, etc.	○	○	○	○	○	○
	(3) Fabricate facts and report false information			○	○	○	○
7. Violation of confidentiality obligation	(1) Cause significant trouble in the management of operations by divulging confidential information that one comes to know in the course of his/her service	○	○	○	○		
	(2) In the case of (1), divulge confidential information for illegal personal gain.	○	○				
	(3) Cause significant trouble in the management of operations through leakage of occupational information due to neglect by disobeying specific orders or disregarding warnings to take information security measures.			○	○	○	○
8. Collection of individuals' confidential information for unintended purposes	By abusing one's authority, collect documents, etc. containing individuals' confidential matters for exclusive use for a purpose other than one's duties					○	○
9. Unjust use of personal information	Use personal information that one comes to know in the course of one's service for unjust purposes, such as personal use to obtain one's own or any third party's benefit	○	○	○	○	○	○
10. Engagement in profit-making	Without permission, concurrently serve as an officer, etc. of a			○	○	○	

businesses, etc.	profit-making company, etc., run a profit-oriented private company by oneself, or engage in a business, etc. for a consideration						
11. Harassment	(1) The Employee in a dominant position in terms of education, research or work abuses his/her position and, in providing educational guidance, conducting research activities, or in the course of or outside of his/her other duties, causes mental or physical damage to another Employee in a lower position, a student, etc., for example, by harassing this person, using violent language and/or behavior, or committing a violent act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	(2) The Employee uses sexual language or behavior, or commits a sexual act, that offends another Employee, student or other relevant party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	(3) Use of language or behavior regarding a female employee becoming pregnant or giving birth, or matters associated with pregnancy or childbirth, that damages the work environment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	(4) The Employee uses language or behavior regarding child-care leave, nursing-care leave, or matters associated with child care and family nursing care that damages the work environment.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Improper act in research activities	In the case where an improper act is reported as a result of an investigation based on the	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Regulations on Prevention of Improper Acts in Research Activities at Nagasaki University (Regulation No. 4 of 2009)						
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2. Matters Relating to the Handling of Money, Goods, etc. Belonging to the Corporation

Violation	Details of Violation of Service Obligation	Standards of Disciplinary Actions					
		Disciplinary	Dismissal under Instruction	Suspension of work	Suspension of coming to the office	Salary cut	Reprimand
1. Misappropriation	Misappropriate any money or goods belonging to the Corporation	○					
2. Stealing	Steal any money or goods belonging to the Corporation	○					
3. Obtaining by deception	Deceive another into providing any money or goods belonging to the Corporation	○					
4. Loss	Lose any money or goods belonging to the Corporation						○
5. Theft	Cause any money or goods belonging to the Corporation to be stolen due to gross negligence						○
6. Damage to the Corporation's facilities, etc.	Deliberately damage the Corporation's facilities or property in the workplace					○	○
7. Fire/Explosion	Cause any of the Corporation's facilities or its property to ignite or explode in the workplace due to negligence						○
8. Illegal/Inappropriate payment and receipt of salary or other amounts	(1) Deliberately make an unjust payment of salary or other amounts in violation of laws or regulations					○	○
	(2) Unduly receive one's salary or other amounts, for example, by deliberately failing to provide notification, or making a false notification					○	○

9. Improper processing of the Corporation's money or goods	Improperly process the Corporation's money or goods that one stores, which includes, for example, the use of such money or goods for unintended purposes					<input type="radio"/>	<input type="radio"/>
10. Inappropriate use of computers	Cause trouble in the Corporation's operation by using a computer in the workplace for an inappropriate purpose not relating to one's duties					<input type="radio"/>	<input type="radio"/>
11. Unauthorized use of research funds	In the case where unauthorized use is reported as a result of an investigation based on the Regulations on Investigation, etc. on Unauthorized Use of Institutionally Managed Expenses of Nagasaki University (Regulation No. 60 of 2007)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Matters Relating to Stakeholders, etc.

Violation	Details of Violation of Service Obligation	Standards of Disciplinary Actions					
		Disciplinary	Dismissal under Instruction	Suspension of work	Suspension of coming to the office	Salary cut	Reprimand
1. Lease of real property	Lease real property from stakeholders without any compensation			<input type="radio"/>	<input type="radio"/>		
2. Gift	Receive a gift of any money, goods or real property from stakeholders			<input type="radio"/>	<input type="radio"/>		
3. Loan of money, etc.	Receive a loan of any money, or a loan of goods without any compensation			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Receipt of services	Receive services from stakeholders without any compensation			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Receipt of unlisted stock	Receive unlisted stock from stakeholders			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Wining and dining, business entertainment, etc.	(1) Receive wining and dining, or business entertainment from stakeholders			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	(2) Receive wining and dining, business entertainment, or property benefits from business operators, etc. not falling within the category of stakeholder, beyond the scope of generally acceptable social interaction			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Failure to submit reports	Fail to submit various reports, etc. set forth in the Regulations on Ethics for Nagasaki University Employees (Regulation No. 46 of 2004), or submit such reports, etc. with false details entered therein			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. Matters Relating to Misconduct

Violation	Details of Violation of Service Obligation	Standards of Disciplinary Actions					
		Disciplinary	Dismissal under Instruction	Suspension of work	Suspension of coming to the office	Salary cut	Reprimand
1. Arson	Start a fire	<input type="radio"/>					
2. Murder	Murder a person	<input type="radio"/>					
3. Infliction of bodily harm	Inflict bodily harm on another			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Assault/Scuffle	Assault upon or scuffle with another, although not amounting to bodily harm			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Damage to property	Deliberately damage another's property			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Misappropriation	Misappropriate another's property in the possession of the misappropriating Employee (excluding the Corporation's money or goods)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Stealing/Robbery	(1) Take another's property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			
	(2) Force another to hand over his/her property by using violence or threatening him/her	<input type="radio"/>					
8. Fraud/Blackmail	Force another to hand over his/her	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			

	property by deceiving or blackmailing him/her						
9. Gambling	(1) Engage in gambling ----- (2) Habitually gamble			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Possession, etc. of narcotics, etc.	Possess, use or transfer narcotics, cannabis, opium, stimulants, dangerous drugs, etc.	<input type="radio"/>					
11. Rude language, behavior, etc. due to intoxication	In a public place or on public transportation, use remarkably rude or disorderly words or actions that bring trouble to the public, due to being intoxicated					<input type="radio"/>	<input type="radio"/>
12. Forcible indecency	Commit an indecent act by using violence or making threats	<input type="radio"/>					
13. Lewd act	Commit a lewd act on a person under 18 years old by providing money or other property benefits to him/her, or promising such provision to him/her, in consideration of such act.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			
14. Molestation	Molest another			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

5. Matters Relating to Traffic Accidents and Violation of Traffic Regulations

Violation	Details of Violation of Service Obligation	Standards of Disciplinary Actions					
		Disciplinary	Dismissal under Instruction	Suspension of work	Suspension of coming to the office	Salary cut	Reprimand
1. Traffic accidents, etc. caused by driving under the influence of alcohol	(1) Cause a traffic accident due to driving under the influence of alcohol -----	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	(2) In the case of (1), violate the obligation to take necessary actions, such as giving aid after the accident -----	<input type="radio"/>					
	(3) Drive under the influence of alcohol -----	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	(4) The Employee who encourages a person to drink knowing this will	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	result in his/her driving under the influence of alcohol, who rides with a driver, knowing that his/her driving is under the influence of alcohol, or who, even if the Employee does not ride with a driver under the influence of alcohol, lets such driver drive, knowing that his/her driving is under the influence of alcohol						
2. Traffic accidents causing injury or death, not due to driving under the influence of alcohol	(1) Cause death or a serious impairment to another	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		
	(2) In the case of (1), violate the obligation to take necessary actions, such as giving aid after the accident	<input type="radio"/>					
3. Violation of traffic regulations	(1) Flagrantly violate traffic regulations, for example marked speeding			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	(2) In the case of (1), violate the obligation to take necessary actions, such as hazard prevention, after causing a traffic accident that results in damage to property			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

6. Matters Relating to Supervisory Responsibility

Violation	Details of Violation of Service Obligation	Standards of Disciplinary Actions					
		Disciplinary	Dismissal under Instruction	Suspension of work	Suspension of coming to the office	Salary cut	Reprimand
1. Incompetence in providing guidance and supervision	Lack the competence required for a supervisor in providing guidance and supervision, for example, where an Employee under his/her charge has received disciplinary action					<input type="radio"/>	<input type="radio"/>
2. Concealing or	Knowing a violating act of an			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

knowingly ignoring misconduct	Employee under the supervisor's charge, the supervisor conceals or knowingly ignores that act						
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7. Disciplinary Actions on Relevant Employees

Violation	Details of Violation of Service Obligation	Standards of Disciplinary Actions					
		Disciplinary	Dismissal under	Suspension of work	Suspension of coming to the office	Salary cut	Reprimand
1. Inducement/Aiding and abetting	Found to have induced the violating Employee to commit the violating act in question, or to have aided and abetted the violating act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Concealing or knowingly ignoring misconduct	Despite knowing a violating act of the Employee in question, conceal or knowingly ignore that act			<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>