

○ National University Corporation Kobe University Rules on Conditions of Employment for Staff Members

(Established on April 1, 2004)

<b>Revised on</b>	November 18, 2004	January 24, 2006
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Chapter 1 General Provisions

(Purpose)

Article 1 These rules (hereinafter referred to as "these rules") stipulate matters regarding the employment of staff members of the National University Corporation, Kobe University (hereinafter referred to as the "University"), including the terms and conditions of employment and service rules, in light of the characteristics of the University as an educational research institute, as well as its social role.

2 Matters that are not stipulated in these rules shall be governed by the Labor Standards Act (Act No. 49 of 1947) and other laws and regulations where applicable.

(Scope of Application)

Article 2 These rules apply to staff members of Kobe University. However, they do not apply to part-time staff, to mariners as provided in the Mariners Act (Act No. 100 of 1947), to staff members who are re-employed pursuant to Article 67, nor to staff members responsible for special projects and programs, and fixed-term medical service personnel.

2 Matters relating to employment of members of staff falling under the preceding paragraph shall be prescribed separately.

(Adherence to these rules)

Article 3 The University and its staff members shall adhere to these rules and shall endeavor to implement them in good faith.

Chapter 2 Recruitment

(Recruitment)

Article 4 The University shall recruit its staff through examination or selection.

2 Matters concerning the recruitment procedures shall be governed by the National University Corporation Kobe University Regulations on Employment, Demotions, and Dismissal of Staff Members (hereinafter referred to as "Regulations on Recruitment and other procedures").

(Documents to be submitted)

Article 5 Staff members shall promptly submit the documents prescribed in the Regulations on Employment after recruitment.

2 Staff members shall promptly notify the University whenever changes occur to the matters recorded in the documents they have submitted.

(Statement of Conditions of Employment)

Article 6 When recruiting staff members, the University shall state the conditions of employment as listed below.

- (1) Matters concerning the period of the employment contract;
- (2) Matters concerning the place of work and its description;
- (3) Matters concerning the start and end times of a working day, whether overtime work will be required, rests, holidays and leave

days, and matters concerning shifts when staff members are organized in two or more shifts;

(4) Matters concerning the determination, calculation and payment of the remuneration, the closing day and payment day for remuneration and for payment of remuneration; and raise;,

(5) Matters concerning resignation and retirement (including grounds for dismissal);

(6) Matters concerning retirement allowances;

(7) Matters concerning end of term bonus and "assiduity" bonus;

(8) Matters concerning safety and health;

(9) Matters concerning job training;

(10) Matters concerning work accident compensation;

(11) Matters concerning rewards and punishments;

(12) Matters concerning leaves of absence

2 The University shall issue a document stating the matters (excluding matters concerning pay raise) listed in items 1 through 5 of the preceding article.

(Assumption of Position)

Article 7 Staff members shall assume their positions immediately after hiring; However, in cases where there is a move of residence involved, if there are compelling circumstances and the University has agreed to it, this shall not apply.

(Probationary Period)

Article 8 The first six (6) months of employment from the date when a person is hired as staff member is considered to be a probationary period. However, the probationary period for teachers at the elementary, secondary schools, school for children with intellectual disabilities attached to Kobe University shall be one (1) year.

2 The probationary period may be extended for a period not greater than six (6) months if the University deems it to be necessary.

3 Staff members who are deemed lacking in the qualifications required as a staff member during the probationary period are dismissed.

4 Provisions in Articles 68 to 70 shall apply to a dismissal from employment pursuant to the preceding paragraph.

5 The probationary periods are included in the calculation of the years of service.

(Special Cases Where a Probationary Period is not Set)

Article 9 The probationary period is waived for staff members who are deemed to require no determination of qualifications.

2 The categories of staff members for whom a probationary period is waived pursuant to the preceding paragraph shall be governed by the Regulations on Employment.

Chapter 3 Service rules

(General Principles)

Article 10 Staff members must be conscious of the responsibilities attached to their duties, fulfill them faithfully and in a fair manner, and endeavor to maintain order in the university.

(Obligation to Give Undivided Attention to Duty)

Article 11 Staff members shall devote their full attention to performing their duties while on the job.

(Workplace Discipline)

Article 12 Staff members must follow the instructions and orders from their superiors, endeavor to maintain public order in the

workplace, and mutually cooperate in the execution of their duties.

(Matters to be Observed)

Article 13 Staff members must observe the following:

- (1) Staff members shall not engage in acts that cause damage to the university's credibility or interests, or reflect negatively upon themselves.
- (2) Staff members shall not divulge confidential information obtained in the course of their employment to any third parties.
- (3) Staff members shall not use the above-mentioned confidential information to carry out activities in competition with the University without obtaining permission from it.
- (4) Staff members shall not use their duties or positions for personal purposes.
- (5) Staff members shall not engage in fights or any act that disrupts the order or corrupts public morals on the campus or within the facilities of the University (hereinafter referred to as "on the campus").
- (6) Staff members shall not smoke outside the designated smoking areas.
- (7) Staff members must not use university facilities, equipment or goods for personal purposes.
- (8) Staff members shall not conduct broadcasts, advertisements, assemblies, distribution, circulation or display of literature and images unrelated to work on campus without permission.
- (9) Staff members shall not lend money or goods, or sell goods, for the purposes of profit on the campus without permission.
- (10) Staff members shall not commit any other acts equivalent to those listed in the preceding items.

(Candidacy for Elective Public Office)

Article 14 Staff members, when running for public office, such as member of the Diet, head of local governments, member of a local assembly or any other public function (referred to as the "Public office"; hereinafter the same shall apply in this article and the following article), shall report to the University beforehand.

2 In addition to the preceding paragraph, candidacy for elective public offices shall be stipulated separately.

(Guarantee of Exercise of Civil Rights)

Article 14-2 When a staff member requests time necessary to exercise voting rights and other civil rights, or to perform public duties during working hours for reasons listed in the following items, such request is guaranteed; however, to the extent not to hinder the exercise of that right or the performance of the public duty, the University may change the time requested.

- (1) When a staff member exercises rights including voting rights provided for in the Public Officers Election Act (Act No. 100 of 1950), and rights relating to the popular review of the appointment of a Supreme Court judge, or voting to dismiss a member or the chairperson of an ordinary local assembly
- (2) When a staff member appears in the capacity of a lay judge, witness, expert witness or Diet witness in the Diet, a court, a local assembly, or any other government or public office.
- (3) When a staff member runs for an elected post, while campaigning during the determined election campaign period (between the day on which a candidate files his or her candidacy and the day before the date of the relevant election) under the Public Offices Election Act.

2 Remuneration shall not be paid for the period during which a staff member refrains from work pursuant to Item 3 in the preceding paragraph.

3 In addition to the two preceding paragraphs, guarantees for the exercise of civil rights shall be established separately.

(No Admittance or Expulsion)

Article 15 The University may prohibit access to campus or exclude a staff member from the campus in the following cases:

- (1) When that staff member corrupts public morals or disrupts the order at the workplace or is likely to do so;
- (2) When that staff member is in possession of firearms, weapons or other dangerous objects;
- (3) When there is a danger to the public health;
- (4) In any other equivalent cases disrupting the duty performance.

2 In the event that a staff member is denied access to the campus or is excluded from the campus before the end of the working hours, the remaining hours shall be considered an absence and the remuneration reduced accordingly.

(Stay at home)

Article 16 When the University deems it not appropriate to let a staff member perform his/her duties, it may order him/her to stay at home. In this case, the staff member is not subject to a reduction of remuneration.

(Staff members Ethics)

Article 17 Work-related ethical principles that must be observed, and matters for the maintenance of ethics pertaining to work duties shall be governed by the National University Corporation Kobe University Regulations on Ethics for Academic and Administrative Staff Members.

(Prohibition of Harassment)

Article 18 Staff members shall not adversely affect the work, learning, educational and research environments by saying words or acting against a person's will, in ways that will either favor, or put certain persons at disadvantage in performing their work, education or research.

The National University Corporation Kobe University Regulations on Prevention and Prohibition of Harassment shall govern 2 Matters concerning the prevention and prohibition of harassment.

(Restriction on Concurrent Employment)

Article 19 Staff members shall not undertake concurrent employment without permission from the University.

2 Matters concerning concurrent employment shall be governed by the National University Corporation Kobe University Regulations on Concurrent Employment for Academic and Administrative Staff Members.

(Compensation for Damage)

Article 20 When staff members cause damage to the University, whether intentionally or by gross negligence, they shall compensate the University for all or part of the damage.

(Handling of Intellectual Property)

Article 21 Matters concerning intellectual property rights shall be governed by the National University Corporation Kobe University Regulations on Handling Intellectual Property.

## Chapter 4 Working Hours, Holidays, and Leaves

(Scheduled Working Hours)

Article 22 One working day consists of eight working hours and one 45 minute rest.

(Starting and Ending Times and Rest Time)

Article 23 Starting and Ending times, and rest times shall be as follows:

- (1) Starting time: 8:30 a.m.

(2) Ending time: 5:15 p.m.

(3) Rest time: 0:15 p.m. to 1:00 p.m.

2 Notwithstanding the preceding paragraph, the University may change the starting and ending times, and rest time when necessary for the good conduct of business duties, or when requested by a staff member raising a child or taking care of a family member.

3 Rest time shall be provided to all staff members simultaneously, except when the nature of duties in a particular work unit makes this inappropriate, in which case it shall be provided on a rotating basis and according to a collective agreement.

(Shift System)

Article 24 The University may implement work shifts based on operational necessity. The starting and ending times and rest time shall be governed by the National University Corporation Kobe University Regulations on Working Hours, Holidays, Paid Leave, etc. of Staff Members (hereinafter referred to as the "Regulations on Working Hours, etc.").

(Holidays)

Article 25 The holidays for academic and administrative staff members are as follows: In addition to those holidays, staff members working part-time for the purpose of childcare according to Article 28, Paragraph 2 above, may be provided additional holidays in either of the five days between Monday and Friday, according to their needs and the part-time work they perform.

(1) Sundays

(2) Saturdays

(3) National holidays provided for in the National Holidays Act (Act No. 178 of 1948)

(4) The End of year and New Year holidays from December 29 to January 3 of the following year (excluding holidays already provided for in (3))

(5) Other days designated by the University

2 The University may change the holidays in the preceding paragraph if necessary.

3 Holidays pursuant to Article 35 of the Labor Standards Act (hereafter referred to as "legal holidays") shall be those listed in Paragraph 1, (1); however, legal holidays according to the preceding paragraph, and those for staff members subject to Articles 4, 5 and 6 of the Regulations on Working Hours, etc. shall be stipulated separately.

(Types of Leaves)

Article 26 Leaves shall include annual paid holidays, sick leaves, and special leaves of absence.

(Working Hours, Holidays, Paid Leave, etc.)

Article 27 In addition to Article 5, matters concerning working hours, holidays, paid leaves, etc. shall be governed by the Regulations on Working Hours, etc.

(Childcare Leave)

Article 28 A staff member who is responsible for raising a child under three years will be eligible for a childcare leave upon application.

2 A staff member who is responsible for taking care of a pre-school child may, at his/her request, work on days and hours he/she desires while staying on his/her current position (hereinafter referred to as "Part-time Work for Childcare").

3 In addition to the preceding paragraph, a staff member who is responsible for taking care of a pre-school child may, at his/her request, take a leave from work of up to two hours in a day (hereinafter referred to as "Time for Childcare").

4 Rules concerning staff members who are eligible for the childcare leaves, Part-time work for childcare, time for childcare, duration of childcare leaves, and procedures for taking such leaves shall be governed by the National University Corporation Kobe University

Regulations on Childcare Leave, etc. for Academic and Administrative Staff Members.

(Family Care Leave)

Article 29 A staff member who has a family member requiring care may, at his/her request, take a family care leave or a partial family care leave (hereinafter referred to as "Family Care Leave").

2 Rules concerning staff members who are eligible for taking a family care leave, the duration of such leaves, and procedures for taking such leaves shall be governed by the National University Corporation Kobe University Regulations on Family Care Leave for Academic and Administrative Staff Members.

(Personal Development Leave)

Article 29-2 If a staff member who has more than two years of service applies for a leave for studying at a university or other institutes, or for engaging in activities of international contributions on his/her initiative for purposes of personal development and international contributions (hereinafter referred to as "Personal Development Leave"), the University may grant him/her a Personal Development Leave, unless this impedes the good conduct of work.

2 Rules concerning staff members who are eligible for a Personal Development Leave, the duration of such leave, and procedures for taking such leaves shall be governed by the National University Corporation Kobe University Regulations on Personal Development Leave for Academic and Administrative Staff Members.

Chapter 5 Remuneration

(Remuneration)

Article 30 Matters for staff member remuneration shall be governed by the National University Corporation Kobe University Regulations on Remuneration for Academic and Administrative Staff Members.

Chapter 6 Promotions, Demotions, and Evaluation

Section 1 Promotion and Demotion

(Promotion)

Article 31 Promotion of staff members shall be based on a selection process.

(2) Matters concerning promotion of staff members shall be governed by the Regulations on Employment.

(Demotion)

Article 32 The University may demote staff members who fall under any of the following items.

(1) Staff members with poor performance

(2) Staff members who are impeded from fulfilling their work duties or can no longer endure their work duties due to a mental or physical disability

(3) Staff members who lack the qualifications required for their position

2 If the University demotes a faculty member (including regular professors, associate professors, junior associate professors, assistant professors, research associates, or professors, associate professors and junior associates under fixed-term contracts; the same shall apply hereinafter), it shall notify the faculty member concerned of his/her demotion after deliberation by the Faculty Council.

3 If, upon reception of the notice of the preceding paragraph, the said faculty member has an objection to the substance of the demotion decision, he/she may request a review by the Academic Council.

4 An academic or administrative staff member other than a faculty member may file an objection to the demotion decision directly to the President of the university.

5 Other matters concerning a demotion shall be governed by the Regulations on Employment.

## Section 2 Evaluations

### (Performance Evaluation)

Article 33 The University shall evaluate the performance of staff members.

## Chapter 7 Personnel

### Section 1 Transfers

#### (Transfer and Temporary Transfer)

Article 34 The University may order staff members to be re-assigned to different positions, or to be temporarily transferred (hereinafter referred to as "re-assignment") for work-related reasons.

2 Staff members may not refuse a re-assignment order unless for reasonable grounds.

3 The University shall inform a faculty member of his/her re-assignment only after deliberation by the Faculty Council.

4 A faculty member who received the notice prescribed in the preceding paragraph may enter an appeal against the Academic Council if such re-assignment is done against his/her will.

Article 5 Staff members who have been ordered a reassignment must return all equipment, documents and other goods in their custody, complete the transfer of their duties to their successors, and report so to their immediate manager.

6 Article 7 will apply to staff members who have been ordered a reassignment.

7 A staff member who is temporarily transferred to an institution outside the University shall be deemed on administrative leave.

8 Other matters concerning temporary transfer shall be governed by the National University Corporation Kobe University Regulations on Temporary Transfer of Academic and Administrative Staff Members.

#### (Transfer to Another University)

Article 35 The University may order a staff member to be transferred to another university for work-related reasons, with his/her consent.

#### (Supplementary Assignment)

Article 36 The University may order a staff member to accept a supplementary assignment for work-related reasons.

2 Matters concerning supplementary assignments shall be governed by the Regulations on Employment.

## Section 2 Business Trips

### (Business Trips)

Article 37 The University may order staff members to make business trips when necessary for work operations.

2 Staff members who made a business trip shall report about it to their superiors immediately after it is ended.

## Section 3 Job Training

### (Job Training)

Article 38 The University may order staff members to receive job training to improve the knowledge and skills required for their work.

2 Matters necessary for job training shall be governed by the National University Corporation Kobe University Regulations on Job Training for Academic and Administrative Staff Members.

## Section 4 Administrative Leave and Reinstatement after a Leave

#### (Administrative Leave)

Article 39 Staff members who fall under any of the following items will be put on an administrative leave.

- (1) Staff members on sick leave for a duration of 90 or more consecutive days (one consecutive year in the case of tuberculosis) and require further medical treatment;
  - (2) Staff members indicted in a criminal case, impeding the normal fulfillment of their work duties;
  - 3) Staff members who are missing as a result of flooding, fire or other disaster;
  - (4) Staff members who fall under Article 34, Paragraph 7
  - (5) Staff members who, for any other reasons not listed above, shall be appropriately put on administrative leave.
- 2 The preceding paragraph will not apply to staff members on probation.

#### (Duration of Administrative Leave)

Article 40 The duration of an administrative leave as provided in Paragraph 1 (1) and (3) of the preceding article shall be determined as necessary by the University, within a limit not exceeding three years. Where this duration is less than three years, the University may extend it until it reaches three years starting from the first day of the leave.

2 The duration of an administrative leave in the case provided in Paragraph 1 (2) of the preceding article shall be the duration of such case pending in court; however, if the duration of the lawsuit exceeds two years, the duration of such leave will be two years.

#### (Reinstatement)

Article 41 The University shall order the reinstatement of a staff member whose administrative leave duration has expired, or when the reason of the leave has ceased to exist; however, in the case of a staff member who is on administrative leave according to Article 39, Paragraph 1 (1), the University shall order his/her reinstatement only if he/she submits a letter of reinstatement before the duration limit, and under the approval both of a medical doctor and the University, that the reason for the leave has ceased to exist.

2 With respect to the reinstatement of the preceding paragraph, the staff member shall in principle return to his/her position before the leave; however, the University may decide to assign them to different duties in consideration of their physical or mental conditions and other relevant reasons.

#### (Matters Concerning the Administrative Leave)

Article 42 In addition to Article 3, other matters concerning the administrative leave shall be governed by the National University Corporation Kobe University Regulations on Administrative Leave for Academic and Administrative Staff Members.

### Chapter 8 Safety, Health and Occupational Accident Compensation

#### Section 1 Safety and Health

##### (Measures for the Maintenance of Safety and Health at work)

Article 43 The University shall take measures necessary for securing and promoting all staff members' health and safety, and to prevent hazards according to the Safety and Health at Work Law (Law No. 57 of 1972) and other applicable laws and regulations.

2 Staff members must cooperate with the safety and health measures carried out by the University.

##### (Safety and Health Education)

Article 44 Staff members must undergo safety and health-related education and training as the University provides.

##### (Measures against Emergency/Disaster)

Article 45 When a staff member discovers a fire or another emergency, or acknowledges that such emergency may occur, he/she shall take immediate measures, inform superiors at once, follow their directions and strive to minimize damages.



#### (Safety and Health Compliance)

Article 46 Staff members must observe the following:

- (1) Staff members must always work to keep the workplace organized and clean, to prevent disasters, and to promote hygiene.
- (2) Staff members may not remove safety and health equipment, fire extinguishers, sanitary equipment or any other safety equipment without permission, nor enter related facilities.
- (3) Staff members must follow and carry out orders and directions regarding safety and health from their superior.

#### (Health Examinations)

Article 47 The University must periodically conduct annual health examinations for staff members.

2 In addition to the preceding paragraph, the University may provide all or part of staff members with extra health examinations as needed.

3 Staff members must undergo health examinations prescribed in Paragraph 2; however, this does not apply when a staff member undergoes a health examination done by a medical doctor and submits a document certifying its results.

4 If necessary based on the results of a health examination, the University shall take measures such as prohibiting to work, or limiting working hours of a certain staff member, in order to maintain his/her health.

5 Staff members may not refuse the measures stated in the preceding paragraph without a reasonable cause.

#### (Prohibition to Work)

Article 48 The President of the university shall prohibit staff members falling under any of the following, from working:

- (1) A person who has contracted an infectious disease, which may be contagious to other people;
- (2) A person who is suffering from a heart disease, kidney or lung disease, which is suspected to aggravate due to employment;
- (3) A person who suffers from a similar disease to the preceding paragraph, provided by the Minister of Health, Labor and Welfare.

2 If the university decides to prohibit a staff member from working, according to the preceding paragraph, it must do so after consulting an industrial or medical expert.

#### (Matters Concerning Safety and Health)

Article 49 In addition to the this section, other matters concerning the health and safety administration of the university shall be governed by the National University Corporation Kobe University Regulations on Health and Safety Management for Academic and Administrative Staff Members.

### Section 2 Occupational Accidents Compensation

#### (Work-related Accidents)

Article 50 The Labor Standards Act and the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947 hereinafter referred to as "Industrial Accident Insurance Act") shall apply to the compensation for occupational diseases and accidents of staff members.

2 In addition to the preceding paragraph, compensation by the University shall be governed by separate regulations.

#### (Commuting Accidents)

Article 51 The Industrial Insurance Act shall apply for the compensation of commuting accidents of staff members.

2 In addition to the preceding paragraph, compensation by the University shall be governed by separate regulations.

### Chapter 9 Women

#### (Limitations on the Work of Pregnant and Nursing Staff members)

Article 52 The University shall not assign pregnant staff members, or staff members within one year after childbirth (hereinafter referred to as "pregnant and nursing staff members") to work that may affect pregnancy, childbirth, nursing, etc.

2 If a pregnant or nursing staff member so requests, the University shall not make her work between 10 p.m. and 5 a.m., nor overtime.

(Pre-natal and Health Care for Pregnant and Nursing Staff members)

Article 53 If a pregnant or Nursing staff member so requests, the University shall approve their leave from work to undergo the health guidance prescribed in Article 10 of the Maternal and Child Health Act (Act No. 141 of 1965), or medical examinations prescribed in Article 13 of that act.

(Reduction of the Workload of Pregnant and Nursing Staff members)

Article 54 If a pregnant or nursing staff member so requests, the University shall reduce her workload or transfer her to lighter duties.

2 If a pregnant staff member so requests, the University may approve of additional rest times or meal times where necessary, in order to protect her pregnancy or the health of the baby.

3 If a pregnant staff member so requests, and when the level of congestion in the commuting means used by that staff member may affect her health or that of the baby, the university must give her permission not to work for a time not exceeding one hour, either at the beginning, or the end of the working day.

(Special Measures for Women for Whom Menstrual Periods are Exceptionally Difficult)

Article 55 If a woman staff member for whom menstrual periods are exceptionally difficult to work, requests so, the University shall not have her work on those days.

## Chapter 10 Welfare

(Use of Staff Housing)

Article 56 The use of housing for staff members shall be governed by the National Public Officers' Housing Act (Act No. 117 of 1949) and other applicable laws and regulations.

## Chapter 11 Rewards and Punishments

(Merit Recognition)

Article 57 When a staff member has distinguished his/herself through exceptionally meritorious service to the university that serves as model to the other staff members, the University will duly recognize his/her merit.

2 Matters for merit recognition shall be governed by the National University Corporation Kobe University Regulations on Awards for Academic and Administrative Staff Members.

(Disciplinary Actions)

Article 58 Staff members who commit any of the following offenses shall be subject to disciplinary sanction:

- (1) Refusal or failure to obey an order or an instruction relating to a staff member's function.
- (2) Absenteeism, excessive tardiness or early leaving without reasonable reasons;
- (3) Committing an act constituting a criminal offense such as theft, embezzlement, or assault, or an act that violates the Road Traffic Act, such as drinking and driving (driving under the influence of alcohol);
- (4) Engaging in a side job without permission;
- (5) Behavior that damages the University's honor or reputation;
- (6) Misconduct or behavior disrupting order or morals on the campus;
- (7) Fraud in the application for employment;

(8) Intentionally causing damage to the University or doing so by gross negligence;

(9) Act or behavior deemed as harassment;

(10) Other activities that violate these rules or any other improper conduct equivalent to those specified in (1) to (9) above.

2 Faculty members shall be subject to disciplinary punishment after a review by the Academic Council; however, the above shall not apply when a person who also serves as the head of a department receives disciplinary punishment in relation to his or her duties.

3 The University shall take any disciplinary action against staff members other than faculty members through a review in Kobe University Disciplinary Committee set forth in Article 8 of National University Corporation Kobe University Disciplinary Regulations on Academic and Administrative Staff Members (hereinafter referred to as the "Disciplinary Regulations").

#### (Types of Disciplinary Actions)

Article 59 Disciplinary actions shall take one of the following forms depending on its gravity.

(1) Admonitory warning: Have a staff member submit a written apology, as a warning measure against his/her future conduct.

(2) Salary cut: Have a staff member submit a written apology, and undergo a salary cut. However, the amount of a one time salary cut may not exceed the equivalent of one half day of salary, whereas the total amount of the salary cut may not exceed one-tenth of the salary for one remuneration calculation period.

(3) Suspension: Suspension from duties for no more than six months, during which period the staff member shall not engage in work duties nor receive a salary.

(4) Dismissal under instruction: Staff members advised to submit a letter of resignation, and if it is not submitted within one week from that advice, he/she shall be subject to a disciplinary dismissal.

(5) Disciplinary dismissal: Immediate dismissal without notice. In this case the retirement allowance set forth in Article 73 shall not be paid.

2 Staff members may be suspended from work and ordered to stay at home until a disciplinary action is taken. In this case, the staff member is not subject to a salary cut.

3 The Article 69 shall apply to disciplinary dismissal pursuant to Paragraph 1, Items 4 and 5.

#### (Notification of Grounds for Disciplinary Action)

Article 60 When a staff member is subject to a disciplinary action, the University shall notify the grounds of such disciplinary action in writing to the staff member before it is taken.

#### (Request for justification)

Article 61 A Staff member who has received a written notification according to the preceding article may initiate a request for justification within 14 days after its reception.

#### (Matters Concerning disciplinary actions)

Article 62 Matters concerning disciplinary procedures other than those set forth in the preceding four articles, shall be governed by the the Disciplinary Regulations.

#### (Admonishments)

Article 63 When necessary in order to ensure that a staff member strictly adheres to his/her obligations and upholds the rules even where disciplinary actions under Article 59 are not taken, an admonitory warning may be given to a staff member.

#### (Compensation for Damage and Disciplinary Actions)

Article 64 Staff members who have been subjected to a disciplinary procedure according to Article 59 or the preceding article shall

not be discharged from compensation for any damage pursuant to Article 20.

## Chapter 12 Termination of Employment, Dismissal, and Retirement Allowances

### Section 1 Termination of Employment and Dismissal

#### (Resignation)

Article 65 When staff members fall under any of the following items, they shall have their employment terminated:

- (1) Staff members who have reached the retirement age;
- (2) Staff members who have submitted a letter of resignation that has been accepted by the University, or staff members who have submitted such letter and 14 days have passed since such submission:
- (3) Staff members to whom resignation is suggested by the University who have actually resigned;
- (4) Faculty members who have submitted a written request for early retirement pursuant to the National University Corporation Kobe University Regulations on Early Retirement for Academic and Administrative Staff Members, when the University has approved it;
- (5) Staff members who have completed the term of their employment contract;
- (6) Staff members whose period of administrative leave pursuant to Article 39, Paragraph 1, (1) has reached three years while the reasons for the leave still exist;
- (7) Staff members whose period of administrative leave pursuant to Article 39, Paragraph 1, (2) has reached two years while the reasons for leave still exist;
- (8) Staff members who take a public office, including state minister, a member of the Diet, head of local governments, or member of a local assembly;
- (9) Staff members who have deceased.

2 When staff members retire for one of the reasons stated in (2) to (4) of the preceding paragraph, they must continue to duly pursue their duties until their day of retirement.

#### (Retirement Age)

Article 66. The mandatory retirement age for staff members listed in the following items shall be as provided for in that item:

- (1) For faculty members: 65 years;
- (2) For staff members other than faculty members: 60 years

2 The retirement date is March 31 immediately following the date when staff members shall reach the retirement age.

#### (Re-employment)

Article 67 When a staff member reaches the retirement age under the preceding Article 66 and no other grounds for dismissal are applicable, and when he/she meets the requirements agreed under a collective agreement pursuant to Article 9, Paragraph 2, of the Act on the Stabilization of the Employment of Elderly Persons) (hereinafter referred to as the "Requirements") which remain effective pursuant to Paragraph 3 of the Supplementary the Act partially amending the Act on the Stabilization of the Employment of Elderly Persons (Act No. 78 of 2012) and he/she wishes to continue employment, the University shall re-employ that staff member until he/she reaches the age of 65; for a staff member who fails to meet one of the above requirements, the University shall re-employ him/her until the age where the unfulfilled requirement has to be applied.

2 In the case referred to in the preceding paragraph, the relevant requirements for the periods listed in the left column of the following table shall apply to staff members reaching or above the corresponding age in the right column of the table.

<b>Retirement date</b>	<b>Age</b>
April 1, 2013 and March 31, 2016	61
April 1, 2016 and March 31, 2019	62
April 1, 2019 and March 31, 2022	63
April 1, 2022 and March 31, 2025	64

(Dismissal)

Article 68 The University may dismiss staff members who fall under any of the following items.

- (1) Staff members with poor performance
- (2) Staff members who are impeded from fulfilling their work duties or can no longer endure their work duties due to a mental or physical disability
- (3) Staff members who lack qualifications required for their position
- (4) When it becomes difficult for the university to continue their employment for reasons of restructuring, consolidation or a downsizing of the organization;
- (5) When there are other significant reasons equivalent to any of the items cited above.

2 The University shall notify faculty members of their dismissal after deliberations by the Faculty Council.

3 An academic staff member who received a notice prescribed in the preceding paragraph may enter an appeal against the Academic Council if such dismissal is done against his/her will.

4 An academic or administrative staff member other than a faculty member may file an objection to the decision of dismissal against his/her will to the President.

5 Other matters concerning dismissal shall be governed by the Regulations on Employment.

(Restriction on Dismissal)

Article 69 Notwithstanding Paragraph 1 in the preceding article, staff members shall not be dismissed during either of the periods listed in the following items; however, this shall not apply to cases under (1), where a staff member has not yet recovered from an injury or illness after three years following the initiation of a medical treatment and the University duly compensates him/her for the dissolution of the contract pursuant to Article 81 of the Labor Standards Act, or when it has become impossible to pursue the university's activities due to unavoidable reasons, such as a natural disaster.

- (1) During a leave of absence to undergo medical treatment for injuries or illnesses suffered in the course of employment or during 30 days immediately following such a leave,
- (2) During a maternity leave in accordance with Article 24, al. 8 and 9 of the Regulations on Working Hours or during 30 days immediately following such leave

(Advance Notice of Dismissal)

Article 70 When the University dismisses a staff member pursuant to Article 68, it shall give at least 30 days of advance notice. When it does not do so, it shall pay the equivalent of 30 days of salary according to Article 12 of the Labor Standards Act (hereinafter referred to as the "Average wage"); however, this shall not apply when it has become impossible to pursue the university's activities due to unavoidable reasons such as a natural disaster, or when the staff member is dismissed for reasons attributable to him/her.

2 The length of the advance notice of the preceding article may be reduced if the University pays a compensation of the amount equivalent to the average wage corresponding to the number of days reduced.

3 Paragraph 1 does not apply to cases where a staff member within 14 days of probation is being dismissed.

(Obligations upon and after Retirement)

Article 71 Staff members who have resigned or who have been terminated must promptly transfer their duties to their successors and report it to their immediate manager.

2 Staff members who have resigned or who have been terminated must return all equipment, documents and other goods in their custody.

3 Staff members who have resigned or have been dismissed from the University shall not reveal secrets they have learned during their time in office.

(Certificates of Separation from work)

Article 72 When requested by a person who has resigned or has been dismissed, the University shall promptly issue a certificate of separation from work.

2 When a staff member requests so in the period between the advance notice of Article 70 Paragraph 1 and the day of retirement, the University shall issue a certificate stating the reason of the dismissal without delay; however, if the staff member retires after the advance notice has been given, for reasons other than those of the original dismissal, the University does not have to issue such a certificate.

Section 2 Retirement Allowances

(Retirement Allowances)

Article 73 Matters concerning staff members' retirement allowances shall be governed by the National University Corporation Kobe University Regulations on Retirement Allowances for Academic and Administrative Staff Members.

Supplementary Provisions

1 These rules come into effect on April 1, 2004.

2 Notwithstanding Article 33, the work performance of faculty members will not be evaluated until the criteria and other necessary elements for evaluation are determined. The work performance evaluation of academic or administrative staff members other than faculty members will be governed by the original rules.

3 Notwithstanding Article 66, Paragraph 1, Item 2, the retirement age for cleaning and food supply staff members shall be 63 years.

4 A person who was on administrative leave at the time of the enforcement of these rules shall be deemed on the said leave under these rules; however, notwithstanding Article 40 Paragraph 2, the duration of a leave for a staff member on an administrative leave under Article 79 (2), in the National Public Service Act shall be governed by the rules then in force.

Supplementary Provisions (November 18, 2004)

These rules come into effect on April 1, 2005.

Supplementary Provisions (January 24, 2006)

These rules come into effect on January 24, 2006.

Supplementary Provisions (March 28, 2006)

These rules come into effect on April 1, 2006.

Supplementary Provisions (March 20, 2007)

These rules come into effect on April 1, 2007.

Supplementary Provisions (March 18, 2008)

These rules come into effect on April 1, 2008.

Supplementary Provisions (March 31, 2009)

These rules come into effect on April 1, 2009.

Supplementary Provisions (March 23, 2010)

1 These rules come into effect on April 1, 2010.

2 Notwithstanding Article 66, Paragraph 1 (1), the retirement age for faculty members born between the dates listed in the left column of the following table shall be as listed in the right column of the following table.

Date of birth	Retirement age
Between April 2, 1947 and April 1, 1949	64

3 The retirement age of faculty members whose date of birth was earlier than the dates listed in the left column of the table above will be governed by the rules then in force.

Supplementary Provisions (March 27, 2013)

These rules come into effect on April 1, 2013.