

○ National University Corporation Kobe University Regulations on Employment, Demotion, Dismissal, etc. of Staff Members

(Established on April 1, 2004)

**Revised on:** November 18, 2004 October 31, 2005  
March 28, 2006 April 1, 2006  
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## Chapter 1 General Provisions

### (Purpose)

Article 1 The purpose of these regulations is to provide for matters concerning the employment, demotion, dismissal, etc. of staff members working at National University Corporation Kobe University (hereinafter referred to as "University".) in addition to the provisions of the National University Corporation Kobe University Rules on Conditions of Employment for Staff Members (hereinafter referred to as "Rules").

### (Staff Members to Whom These Regulations Apply)

Article 2 The staff member's position, job title and job contents as set forth in Article 2, paragraph 1 of the Rules shall be provided in the Appended Table.

### (Definitions)

Article 3 In these regulations, the definition of the following terms shall be provided by the said items.

- (1) Initial Employment: Place someone as a new university staff member.
- (2) Promotion: Upgrade a staff member to a higher position or a higher remuneration schedule.
- (3) Transfer: Change a staff member's position or job title. (Excluding Promotion and Demotion.)
- (4) Demotion: Downgrade a staff member to a lower position or a lower remuneration schedule.
- (5) Supplementary Assignment: Hold a different position at the University while retaining the staff member's current post.
- (6) Administrative Leave: Must not engage in duties while retaining his or her staff member's status. (This excludes childcare leave under Article 3 of the National University Corporation Kobe University Regulations on Childcare Leave, etc. of Academic and Administrative Staff Members (hereinafter referred to as "Childcare Leave Regulations") and nursing care leave in Article 2 under the National University Corporation Kobe University Regulations on Nursing Carte Leave, etc. of Academic and Administrative Staff Members.)
- (7) Reinstatement: A staff member on administrative leave returns to his or her duties.
- (8) Secondment: Place a staff member on assignment at National University Corporations, etc. other than the University under instruction of the university while remaining on the university register.
- (9) Separation from Service: A staff member loses his or her status as a member of staff.
- (10) Retirement: A staff member retires, excluding cases of Dismissal, resignation on suggestion and disciplinary dismissal.
- (11) Dismissal: Terminate a staff member's employment against his or her will.
- (12) Voluntary Resignation: A staff member quits on his or her own accord.

(Fixed-Term Labor Contract Staff Members)

Article 4 The University, if necessary in the course of business, employs staff members using labor contracts with set periods (hereinafter referred to as "Fixed-Term Labor Contract").

2 The contract period for a Fixed-Term Labor Contract as prescribed in the preceding paragraph shall not exceed five years.

3 Notwithstanding the provisions of the preceding paragraph, if there exists a contract period for a Fixed-Term Labor Contract previously concluded between a staff member employed pursuant to paragraph 1 and the University (excluding periods as stipulated in Article 18, paragraph 2 of the Labor Contract Act (Act No. 128 of 2007) and in Article 15-2, paragraph 2 of the Act on Enhancement of Research and Development Capacity and Efficient Promotion, etc. of Research and Development, etc. by Advancement of Research and Development System Reform (Act No. 63 of 2008)), the contract period for the Fixed-Term Labor Contract of such staff member shall include such previous period but shall not exceed 5 years in total; however, this shall not apply to persons whose services are deemed by the University to be especially necessary.

4 Notwithstanding the provisions of the preceding 2 paragraphs, the office term in the labor contract pursuant to Article 5, paragraph 1 of the Act on Term of Office of University Teachers, etc. (Act No. 82 of 1997) shall be provided in the National University Corporation Kobe University Regulations for Term Office of University Teachers (Established on April 1, 2004).

## Chapter 2 Employment and Promotion

(Employment and Promotion of University Teachers)

Article 5 Selection of Employment and Promotion of university teachers (excluding attached schools' teachers. The same applies hereinafter.) will be done by the President.

2 In the selection for the Employment and Promotion of university teachers, the President shall listen to the opinions of the faculty council (including organizations that fall under this category. Hereinafter the same applies in this Article.)

3 The faculty council shall carry out the selection for Employment and Promotion of university teachers, and report its opinions to the President, based on the National University Corporation Kobe University Teacher Selection Criteria and the human resources policy suggested by the President

4 Notwithstanding the provisions of the preceding 3 paragraphs, university teachers who work beyond the first March 31 after the day he or she reached 63 years old cannot be promoted.

(Employment and Promotion of Staff Members other than University Teachers)

Article 6 Of the administrative staff and technical staff provided in the appended table (hereinafter referred to as "Administrative Staff"), the Employment of administrative staff or technical staff shall be conducted through interviews, etc. with candidates from the list of successful candidates of the first-stage examination for the Kinki Area National University Corporations, etc. General Recruitment Examinations.

2 Notwithstanding the provisions of the preceding paragraph, the Employment of Administrative Staff to a position of which one of the following items applies shall be done through selection.

(1) Positions to be filled by people who actually are officially working in positions as national government employees, positions as local government employees, positions in national university corporations and independent administrative institutions, positions in the municipal treasury (refers to the municipal treasury prescribed in Article 1 of the Act on Budget and Settlement of Public Financial Corporations (Act No. 99 of 1951)) or any other equivalent positions.

(2) Positions where other competitive examinations are deemed inappropriate.

3 Positions other than that provided in the preceding 2 paragraphs may be employed through selection.

4 Promotion of staff members other than university teachers shall be conducted through selection and that selection will be conducted based on evaluations of the staff members' work performance and other abilities.

(Employment of School Personnel Substituting for Women Staff members at Attached Schools on Maternity Leave)

Article 7 When a woman teacher at an attached school is going to give birth, in accordance with the Act on Assurance of School Personnel Substituting for Women Teachers on Maternity Leave (Act No. 125 of 1955 (hereinafter referred to as "Maternity Leave Substitution Act")), the University may employ a staff member in order to assist with the said school's staff member's duties, with the contract period for the Fixed-Term Labor Contract being either the period from 8 weeks before the expected delivery date (14 weeks in the case of a multiple pregnancy) to 8 weeks after the birth, or the 16-week period from the day the said woman teacher starts her maternity leave (22 weeks in the case of a multiple pregnancy).

2 The provisions set forth in paragraph 3 of the preceding Article shall apply mutatis mutandis to the Employment set forth in the preceding paragraph.

3 If there exists a contract period for a Fixed-Term Labor Contract previously concluded between a project staff member employed pursuant to the paragraph 1 and the University (excluding periods as stipulated in Article 18, paragraph 2 of the Labor Contract Act and in Article 15-2, paragraph 2 of the Act on Enhancement of Research and Development Capacity and Efficient Promotion, etc. of Research and Development, etc. by Advancement of Research and Development System Reform), the contract period for the Fixed-Term Labor contract of such project staff member shall include such previous period but cannot exceed five years in total.

(Employment of Substitute Staff Associated with Childcare Leave)

Article 8 In the Employment of substitute staff pursuant to Article 13 of the Childcare Leave Regulations, the provisions of Article 5, paragraph 1 shall apply mutatis mutandis to university teachers, and the provisions of Article 6 paragraph 3 shall apply to staff members other than university teachers.

(Exception to the Probationary Period)

Article 9 When employing people who actually are officially working in positions relevant to the positions after employment, such as positions at educational organizations, research organizations, medical organization, etc. in addition to positions as national government employees, positions as local government employees, positions in national university corporations and independent administrative institutions, positions in the municipal treasury, a probationary period is in principle not set.

### Chapter 3 Documents for Employment

(Documents for Submission Before Employment)

Article 10 When employing staff members, the documents listed below must be submitted before they are employed:

(1) Curriculum vitae;

(2) Certificate of graduation (or completion);

(3) Copies of certificates of licenses and other qualifications;

(4) Any other documents deemed by the University to be necessary.

- 2 Notwithstanding the provisions of paragraph 1, persons in the employ of the national government, regional and local governments, and other related organizations who have become staff members shall be able to replace stipulated documents with documents listed in the same paragraph.
- 3 Persons who are found to have submitted documents containing false statements, misrepresent their career history, or fail to complete important items may have their Employments revoked.

(Documents for Submission after Employment)

Article 11 Staff members must promptly submit the following documents.

- (1) Tax withholding slip (only for persons with previous employment to whom Section 1 of said slip applies);
- (2) Declaration of deductions for dependents, etc. of the employee;
- (3) A copy of his/her pension handbook and, if applicable, a copy of his/her employment insurance certificate;
- (4) Any other documents deemed by the University to be necessary.

Chapter 4 Demotion and Dismissal

(Demotion)

Article 12 A staff member may be demoted pursuant to Article 32, paragraph 1, item (1) of the Rules when it is clear that his or her work performance is poor based on facts where the work evaluation results or other evaluation of his or her work performance is deemed to be reliable.

- 2 A staff member may be demoted pursuant to Article 32, paragraph 1, item (2) of the regulations when it is clear that due to illnesses that require long-term medical treatment or recuperation or mental or physical disorders that are difficult to cure even with medical treatment or recuperation as diagnosed by 2 doctors specified by the University, there will be obstacles to performing his or her work duty or that he or she is unable to cope with the duties.
- 3 A staff member may be demoted pursuant to Article 32, paragraph 1, item (3) of the Rules when it is clear that he or she lacks the necessary aptitude for the position, based on facts where the evaluation of the staff member's aptitude is deemed to be reliable.

(Dismissal)

Article 13 A staff member may be dismissed pursuant to the provisions in Article 68, paragraph 1, item (1) of the Rules when it is clear that the working performance is poor based on facts deemed to be reliable that evaluates the work evaluation results or the other work performances of the staff member.

- 2 A staff member may be dismissed pursuant to the provisions in Article 68, paragraph 1, item (2) of the regulations, when it is clear that due to illnesses diagnosed that require long-term medical treatment or recuperation, or mental or physical disorders diagnosed that are difficult to cure even with medical treatment or recuperation as diagnosed by 2 doctors specified by the University, there will be obstacles to performing his or her work duty or that he or she is unable to cope with the duties.
- 3 A staff member may be dismissed pursuant to the provisions in Article 68, paragraph 1, item (3) of the Rules when it is clear that the university staff member is lacking the aptitude, based on facts deemed to be reliable in evaluating the staff member's aptitude.
- 4 Whether any of the staff members is to be dismissed pursuant to the provisions in Article 68, paragraph 1, item (4) of the Rules, shall be assessed and decided fairly by the university based on work performances, years of service and other facts.

## Chapter 5 Cancellation and Termination of Supplementary Assignments

### (Cancellation and Termination of Supplementary Assignments)

Article 14 The University may cancel Supplementary Assignments at any time.

2 The University must promptly cancel the Supplementary Assignments when the reason for necessitating supplementary assignment lapses.

3 In the case of any of the following items, Supplementary Assignment shall naturally terminate:

- (1) When the assignment period has expired in the case where there is a set period for Supplementary Assignment;
- (2) When the supplementary assigned position is abolished;
- (3) When a staff member is on secondment;
- (4) When a staff member is separated from service;
- (5) When a staff member is on Administrative Leave or is suspended from duty.

## Chapter 6 Procedures for Issuance

### (Issuing a Personnel Transfer Transmittal Sheet)

Article 15 The University, if personnel changes are made under any of the following items, must issue a personnel transfer transmittal sheet (hereinafter referred to as "Written Notice") to the staff member.

- (1) When a staff member is employed, promoted, transferred or has his or her employment renewed;
- (2) When a staff member who was employed with a fixed term becomes a staff member without a fixed term;
- (3) When a Supplementary Assignment is engaged in or when it is canceled;
- (4) When the name relating to the duties given to a staff member is changed, or is added or becomes naught;
- (5) When a staff member is reinstated or when a staff member is reinstated through the expiration of the Administrative Leave period or the effective period for full time permission, or the cancellation of the full time permission;
- (6) When a staff member is on secondment;
- (7) When a staff member approves of Voluntary Resignation;
- (8) When a staff member retires (excluding cases of Dismissal or Voluntary Resignation).

2 The University, if personnel changes are made under any of the following items, must issue a Written Notice to the staff member to do so.

- (1) When a staff member is demoted;
- (2) When a staff member is put on Administrative Leave, or when that term is renewed;
- (3) When a staff member is given full time permission, or when that term is renewed;
- (4) When a staff member is dismissed.

### (Cases Where Written Notices are Not Required)

Article 16 For cases that falls under any of the following items, notwithstanding the provisions of the preceding Article, methods other than the issuance of documents in place of a Written Notice may substitute the issuance of a Written Notice.

- (1) When staff transfers are associated with the organization's new establishment, changes, abolishment, etc. under the revision or abolition of the Rules of the National University Corporation Kobe University;
- (2) When the non-issuance of a Written Notice is deemed appropriate under paragraph 1, items (4) and (8) of the preceding Article;
- (3) In emergency situations where the Written Notice cannot be issued under each item of paragraph 2 in the preceding Article.

(Exception to the Issuance of Written Notices)

Article 17 The issuance of a Written Notice in Article 15, paragraph 2, in the case where the location of the person to receive this is unknown, shall be effective from the day the Written Notice is considered to have arrived through reasonable methods of substituting the issuance of written notification.

(Other Provisions)

Article 18 In addition to matters provided for in these regulations, other necessary matters shall be prescribed in detailed regulations.

Supplementary Provisions

- 1 These Regulations come into force on April 1, 2004.
- 2 Persons on temporary employment on the effective date of this regulation pursuant to the Maternity Leave Substitution Act shall be considered to be fixed-term staff members employed as substitute staff under the regulations of Article 7 pursuant to these regulations.
- 3 Persons on temporary employment or fixed-term employment on the effective date of this regulation pursuant to Act on Childcare Leave, etc. of National Public Officers (Act No. 109 of 1991) are considered to be fixed-term staff members employed as substitute staff under the regulations of Article 8 pursuant to these regulations.

Supplementary Provisions between the original and the latest are omitted.

Supplementary Provisions (March 23, 2015)

These Regulations come into force on April 1, 2015

Appended Table is omitted.