

\* The Japanese version is the authoritative version, and this English translation is intended for reference purposes only. Should any discrepancies or doubts arise between the two versions, the Japanese version will prevail.

## **The University of Tokyo Regulations on Disciplinary Action Procedures against Academic Staff**

Established: The University of Tokyo Rules No. 19; April 1, 2004  
Revised: The University of Tokyo Rules No. 118; March 26, 2007  
Revised: The University of Tokyo Rules No. 84; March 26, 2009  
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### **Article 1            Purpose**

The purpose of these Regulations is to set out the procedures for disciplinary action taken against full-time academic staff (referring to Professors, Associate Professors, Assistant Professors, Lecturers, Research Associates and Research Assistants; hereinafter simply referred to as “academic staff”), pursuant to the proviso in Article 3 of the University of Tokyo Rules on Conditions of Employment of Academic and Administrative Staff (Rules No. 11 of 2004; hereinafter referred to as the “Rules on Conditions of Employment”) and Articles 4, 6 and 9 of the University of Tokyo Regulations on Conditions of Employment of Academic Staff (Rules No. 16 of 2004).

### **Article 2            Requests for Investigation**

1. If the President believes there are grounds against any academic staff for disciplinary action prescribed in Article 38 of the Rules on Conditions of Employment (throughout this Article referred to as “grounds for disciplinary action”), the President shall order the academic organization to which the relevant academic staff belongs (referring to the academic organizations listed in Chapters 3 and 4 of the University of Tokyo Rules on Basic Organizations (Rules No. 1 of 2004); the same shall apply hereinafter) to investigate the facts pertaining to the grounds for disciplinary action.
2. If a dean or director (referring to a head of the academic organization prescribed in the preceding paragraph; the same shall apply hereinafter) believes there are grounds for disciplinary action against a member of the academic staff who belongs to that academic organization, the dean or director may initiate an investigation of the facts pertaining to the grounds for disciplinary action, provided that the dean or director shall, without delay, notify the President of, and obtain the President’s approval for, the initiation of the investigation.

3. Notwithstanding the provisions of the preceding two paragraphs, the President may, when the nature of the facts pertaining to the grounds for disciplinary action makes it inappropriate to order a particular academic organization to conduct an investigation, or when the details of the facts pertaining to the grounds for disciplinary action are extremely apparent, forgo the investigation by the academic organization and instead immediately call upon the Academic Staff Disciplinary Committee prescribed in Article 4 to investigate and review the facts pertaining to the grounds for disciplinary action.

### **Article 3            Requests for Review**

1. The dean or director who conducts the investigation pursuant to paragraph 1 or 2 of the preceding Article shall, without delay, report the results thereof to the President.
2. If the President believes that it is appropriate to take disciplinary action against the relevant academic staff based on the results reported in the investigation prescribed in the preceding paragraph, the President shall request the Academic Staff Disciplinary Committee established under the Education and Research Council (hereinafter referred to as “Council”) pursuant to the following Article to review the necessity of disciplinary action and, if deemed necessary, the details of the action to be taken.

### **Article 4            Academic Staff Disciplinary Committee**

1. The University of Tokyo shall establish the Academic Staff Disciplinary Committee (hereinafter referred to as the “Disciplinary Committee”).
2. The Disciplinary Committee shall be comprised of the members listed in the following items and chaired by the member prescribed in item (1):
  - (1) One Executive Vice-President;
  - (2) The number of council members proposed by the President and determined by the Council; and
  - (3) The number of expert members proposed by the President and determined by the Council.
3. If the chairperson is unable to attend, a member designated by the chairperson in advance from among the members prescribed in item (2) of the preceding paragraph shall perform the duties of the chairperson.
4. The expert members prescribed in paragraph 2, item (3) may be appointed from among the University of Tokyo Professors and Associate Professors.
5. The expert members prescribed in paragraph 2, item (3) may also be appointed, in addition to those prescribed in the preceding paragraph, from among jurists other than those in the academic and administrative staff of the University of Tokyo.
6. Members of the Disciplinary Committee shall be appointed by the Council, based on a proposal by the President.

## **Article 5 Investigation and Deliberation by Investigative Panel**

1. The Disciplinary Committee shall establish an investigative panel when requested by the President to conduct a review pursuant to Article 3, paragraph 2, or an investigation and review of facts pursuant to Article 2, paragraph 3.
2. Investigative panels shall, in principle, be comprised of three Disciplinary Committee members. Investigative panels shall include at least one of the members prescribed in Article 4, paragraph 2, item (2).
3. Investigative panels may, when deemed necessary, solicit the assistance of jurists other than those in the academic and administrative staff of the University of Tokyo.
4. Investigative panels shall, when requested to conduct a review pursuant to Article 3, paragraph 2, or an investigation and review of facts pursuant to Article 2, paragraph 3, conduct the investigation and deliberate, to determine whether disciplinary action is necessary and, if deemed necessary, present a proposal for the details of the action to be taken.
5. The determination prescribed in the preceding paragraph shall require approval by a majority of the investigative panel members.
6. Notwithstanding the provisions of paragraph 1, establishment of an investigative panel is not required when the details of the facts pertaining to the grounds for disciplinary action are extremely apparent. In such instances, the Disciplinary Committee shall conduct the investigation prescribed in paragraph 4.

## **Article 6 Provision of Opportunity for Explanation**

In conducting the investigations under paragraphs 4 and 6 of the preceding Article, the Disciplinary Committee or its investigative panel shall, pursuant to the provisions of the University of Tokyo Regulations on Disciplinary Action against Academic and Administrative Staff (Rules No. 31 of 2004), provide the academic staff under investigation with the opportunity to give an oral or written explanation of their conduct.

## **Article 7 Reports by Investigative Panel**

Upon completion of an investigation and deliberation pursuant to Article 5, paragraph 4, the investigative panel shall promptly report the results and conclusions to the Disciplinary Committee.

## **Article 8 Determinations and Reports by Disciplinary Committee**

1. The Disciplinary Committee shall, based on the reports prescribed in the preceding Article or the results of investigations prescribed in Article 5, paragraph 6, deliberate to determine whether disciplinary action is necessary and, if deemed necessary, present a proposal for the details of the action to be taken.
2. The determination prescribed in the preceding paragraph shall require a quorum of two

thirds of the Disciplinary Committee members.

3. The determination prescribed in paragraph 1 shall require approval by at least two thirds of the Disciplinary Committee members in attendance.
4. The Disciplinary Committee shall, without delay, report to the President its determination made under paragraph 1.

#### **Article 9 Issuance of Disciplinary Action Order**

Upon receiving from the Disciplinary Committee report concerning the determination of the need for disciplinary action pursuant to paragraph 4 of the preceding Article, the President shall, taking into account the details of the disciplinary action determined by the Disciplinary Committee, order disciplinary action to be taken against the academic staff concerned.

#### **Article 10 Reports to the Council**

The President shall give a summary of each disciplinary action order issued under the preceding Article at the first Council meeting held after the issuance of the order.

#### **Article 11 Dismissal, Demotion, Reassignment and External Assignment of Deans, Directors and Academic Staff**

1. Disciplinary action involving dismissal, demotion, reassignment or external assignment taken against a dean, director or academic staff against his or her will shall take into account the results of the investigations deliberated by the Disciplinary Committee concerning to the action, unless the reassignment or external assignment is the result of the existing position of the relevant dean, director or academic staff being terminated due to abolition or other restructuring of his or her academic organization.
2. The provisions of Article 8, paragraphs 2 and 3 shall apply *mutatis mutandis* to the determinations concerning the investigation by the Disciplinary Committee prescribed in the preceding paragraph.
3. Upon completing their investigation prescribed in paragraph 1, the Disciplinary Committee shall, without delay, report the results of the investigation to the President.

#### **Supplementary Provisions**

These Regulations shall come into force on April 1, 2004.

#### **Supplementary Provisions**

These Rules shall come into force on April 1, 2007.

### **Supplementary Provisions**

These Rules shall come into force on April 1, 2009.

### **Supplementary Provisions**

These Rules shall come into force on April 1, 2015.