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The University of Tokyo Regulations on Disciplinary Action against Students

Established on October 26, 2004

Revised on
March 22, 2007

The University of Tokyo Rule No. 253

Article 1 Purpose

The purpose of these Regulations is to specify the procedures and other necessary matters regarding the disciplinary action set forth in Article 25 of the University of Tokyo General Rules on Faculties and Article 42 of the University of Tokyo Rules on Graduate Schools.

Article 2 Definitions

1. The terms “student” and “target student” (meaning the student subject to disciplinary action)” in these Regulations refer to both undergraduate and graduate students.
2. The term “academic organization” in these Regulations refers to faculties, graduate schools and education units.
3. The term “dean of the academic organization” in these Regulations refers to the dean of the faculty, of the graduate school or of the education unit.

Article 3 Acts Subject to Disciplinary Action

Any of the following acts may be subject to disciplinary action:

- (1) Criminal acts;
- (2) Infringement on human rights;
- (3) Sexual harassment;
- (4) Cheating in a test or violation of academic ethics in preparing thesis etc.;
- (5) Violation of information ethics;
- (6) Violation of the rules of the University of Tokyo; and
- (7) Interruptions to the duties of a teacher or study, research or reasonable activities by a student of the University of Tokyo through means of violence, intimidation, fraud or other unreasonable means; however, this does not apply to any acts to encourage other students to boycott lectures in order to declare their intentions to the University of Tokyo or academic organizations as part of reasonable students' autonomous activity.

Article 4 Types of Disciplinary Action

Disciplinary action includes removal and suspension for a fixed term from the University of Tokyo.

Article 5 Procedures for Disciplinary Action

1. The procedures for disciplinary action regarding Article 3, item 1, item 2, item 4, item 5, item 6 and item 7 are set forth in Article 6 and onwards.
2. The procedure for disciplinary action regarding Article 3, item 3 is in accordance with the

“Agreed Matters Regarding Student Disciplinary Action against Sexual Harassment (established on April 16, 2002)”. However, the term “proposed to the council” in the Agreement should be read as “proposed to the Student Disciplinary Committee”.

Article 6 Opinion of Academic Organization on Disciplinary Action

1. When the dean of an academic organization learns of a student of his/her academic organization committing an act that may warrant a disciplinary action, the dean must verify the situation and question the target student without delay. If a disciplinary action is deemed appropriate, the dean will decide on his/her opinion about the disciplinary action and immediately notify the President and the student of this decision. The investigation by the academic organization shall comply with the procedures under Article 11, paragraph 2 and paragraph 3.
2. The decision regarding the disciplinary action includes a) determining the facts that constitute the basis for the disciplinary action, b) judging the relevance of the disciplinary action, and c) assessing the disciplinary action.

Article 7 Student Disciplinary Committee

1. The Student Disciplinary Committee is established under the Educational and Research Council.
2. The Student Disciplinary Committee has a total of 21 members: a Vice President, five members elected from councilors (vice deans of graduate schools and vice deans of graduate-level organizations other than graduate school (hereinafter referred to as the “councilors”)) and 15 academic staff (who must be professors or associate professors of the University of Tokyo).
3. The President appoints the Vice President, who acts as the chairman of the committee.
4. The Educational and Research Council elects the members of the Student Disciplinary Committee other than the Vice President.
5. If the President is notified of the dean’s opinion regarding disciplinary action as described in Article 6, the President will propose to the Student Disciplinary Committee the need for taking a disciplinary action and an investigation of the details thereof (if it is deemed necessary).
6. If such investigation is proposed pursuant to paragraph 5 above, the Student Disciplinary Committee will establish a team in charge of that investigation under the Student Disciplinary Committee. This Investigatory Team under the Student Disciplinary Committee will carry out disciplinary action procedures for each case.
7. The Investigatory Team under the Student Disciplinary Committee has a total of five members: the Vice President who acts as the chairman of the committee, one from the councilors and three teachers. The Vice President acts as the leader and the councilor acts as the sub-leader of the team.
8. When organizing the team in charge, the Student Disciplinary Committee attempts to ensure fairness of disciplinary procedures.

Article 8 Confirmation of the Target Student’s Intent

The Investigatory Team under the Student Disciplinary Committee will confirm whether or not the target student has any intention to file a complaint against the academic organization’s opinion regarding the disciplinary action.

Article 9 Questioning of and Requesting Relevant Materials from Target Student and Academic Organization

The Investigatory Team under the Student Disciplinary Committee may, from time to time,

question and request the target student and the academic organization to submit relevant materials.

Article 10 Procedures When No Complaint Is Filed

1. If the target student is confirmed not to have filed a complaint against the academic organization's opinion, the Investigatory Team under the Student Disciplinary Committee may immediately judge the appropriateness of the opinion about a disciplinary action.
2. If such opinion is deemed reasonable, the Investigatory Team under the Student Disciplinary Committee will report this to the Student Disciplinary Committee. The President will order the dean of the academic organization to carry out a disciplinary action following the report from the Student Disciplinary Committee. The President will then report to the Educational and Research Council that he ordered the disciplinary action to be taken.
3. If such opinion is deemed unreasonable, the Investigatory Team under the Student Disciplinary Committee will propose a new disciplinary action and present it to the Student Disciplinary Committee after making an investigation set forth in Article 9 if necessary. The Student Disciplinary Committee will leave the disciplinary action to the judgment of the advisory group set forth in Article 13. The procedures under Article 11, paragraph 2, paragraph 3 and paragraph 5 apply to the questioning of the target student and the preparation of the disciplinary action proposal.

Article 11 Procedures When a Complaint Filed

1. If the target student is confirmed to have filed a complaint against the academic organization's opinion about a disciplinary action, the Investigatory Team under the Student Disciplinary Committee will question the target student and the academic organization and request them to submit relevant materials without delay.
2. The Investigatory Team under the Student Disciplinary Committee will give consideration to providing the target student with enough opportunity to defend himself/herself throughout the questioning. However, the team may consider that the target student has waived such opportunity if he/she refuses to be questioned without any good reasons or does not try to defend himself/herself such as failing to submit favorable evidence .
3. The Investigatory Team under the Student Disciplinary Committee will permit the attendance at the questioning of any persons supporting the target student (including attorneys) if he/she so requests. However, the team may limit the number of such persons if their attendance should interfere with the investigation.
4. The Investigatory Team under the Student Disciplinary Committee will prepare a disciplinary action proposal and report it to the Student Disciplinary Committee. The Student Disciplinary Committee will leave the execution of the proposed disciplinary action up to the judgment of the advisory group as set forth in Article 13.
5. The disciplinary action proposal must include judgments about the existence of facts that are the basis for the disciplinary action and about the appropriateness of the disciplinary action. If the disciplinary action is deemed appropriate, the proposal will also include the judgment regarding the assessment of such action.

Article 12 Advisory Group

1. The advisory group set forth in paragraph 2 onwards is established in order to enhance the fairness and transparency of the disciplinary action proposal under Article 10, paragraph 3 and Article 11, paragraph 4 and paragraph 5.
2. The advisory group has a total of 11 members: 1 councilor, 5 teachers (hereinafter

referred to as the “academic staff members”) and 5 students (hereinafter referred to as the “student members”). The advisory group made up of councilor and academic staff members are elected by the President from among people other than the members of the Student Disciplinary Committee.

3. The councilor in the advisory group must be a person from a different academic organization from the one to which the target student belongs. The councilor acts as the leader and controls the advisory group.
4. The academic staff members must be teachers from a different academic organization than the one to which the target student belongs.
5. The student members are elected by mutual vote from the student advisory group consisting of student advisers elected from each academic organization. The student members must be students from a different academic organization than the one to which the target student belongs and must not be personally acquainted with the target student. The election and other necessary matters of the student advisers shall be defined separately.

Article 13 Judgment by Advisory Group

1. The advisory group shall judge whether or not the disciplinary action proposal prepared by the Investigatory Team under the Student Disciplinary Committee is reasonable.
2. Prior to making a judgment, the advisory group will be briefed on the disciplinary action proposal the Investigatory Team under the Student Disciplinary Committee has prepared. The advisory group may hear opinions of the target student and the academic organization if necessary. The questioning of the target student shall comply with the procedures under Article 11, paragraph 2 and paragraph 3.
3. The chairman and at least 7 members (which refers to the academic staff members and student members; the same shall apply hereinafter) are required to attend the advisory group meeting when making the judgment. The judgment is made by a majority vote by the members in attendance. The chairman shall not participate in the judgment. In the case of a tied vote, however, the chairman will make the casting judgment.
4. The chairman will report the results of the vote to the Student Disciplinary Committee.

Article 14 Order of Disciplinary Action or Reexamination by President

1. If the advisory group determines that the disciplinary action proposal (including a proposal of not taking any disciplinary action) is appropriate, the Student Disciplinary Committee will confirm the disciplinary action proposal based on the judgment and reports it to the President. The President will order the dean of the relevant academic organization to take the disciplinary action (except when disciplinary action is judged inappropriate). If orders are given to the dean to take the disciplinary action, the President will report giving such an order to the Educational and Research Committee.
2. If the advisory group determines that the disciplinary action proposal (including a proposal that of not taking any disciplinary action) is inappropriate, the Student Disciplinary Committee will report such judgment to the President with the reason therefor. The President will order the Student Disciplinary Committee to reexamine the case.

Article 15 Reexamination

1. A newly organized team in the Student Disciplinary Committee will re-examine the case.
2. The Student Disciplinary Committee will report to the President the newly-prepared disciplinary action proposal (including a proposal of not taking any disciplinary action) based on the re-examination.

3. The President will determine the disciplinary action (including a proposal of not taking any disciplinary action) by considering the entire process of the investigation, and order the dean of an academic organization to take such disciplinary action (except when disciplinary action is deemed inappropriate). If the President orders disciplinary action to be taken, he/she must report such action to the Education and Research Council.

Article 16 Appeal for Reexamination by the Student

1. The target student subject to disciplinary action may appeal to the President for re-examination if the facts, on which the disciplinary action was based on, are found to be non-existent or there are other justifiable reasons.
2. If the appeal in paragraph 1 above is made, the President will propose, without delay, to the Student Disciplinary Committee that the need for re-examination be investigated.

Article 17 Confidentiality Obligation of Parties

Members of the Student Disciplinary Committee and the leader and members (including student advisers; the same shall apply throughout this Article) of the advisory group have a confidentiality obligation regarding any information obtained due to their status. Such obligation will continue to apply even after the leaders and members are discharged from the duties as a member of the committee or leader or member of the group.

Article 18 Supplementary Rules

In addition to the provisions set forth in these Regulations, any matters required to implement these Regulations shall be determined separately.

Supplementary Provisions

1. These Regulations shall come into force on January 1, 2005.
2. The "Current Disciplinary Action System" established on February 24, 1981 shall be abolished on December 31, 2004.

Supplementary Provisions

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

Agreed Matters

1. The student disciplinary action system stipulated in these Regulations is made with the intention of the University of Tokyo having a consistent, university-wide system. Nonetheless, as differences remain in the specific nature of education and research among academic organizations, the University must accept the fact that the judgment criteria for the student disciplinary action and assessment thereof may differ among each academic organization so long as it does not significantly damage the fairness of the system.
2. The dean of an academic organization will be responsible for disciplinary actions no more severe than a reprimand or other probationary measures.
3. The University of Tokyo stresses the importance of questioning and confirming the target student's intent in proceeding with a disciplinary action in view of the history of the student disciplinary actions taken thus far. There have been cases, however, where the University was unable to carry out disciplinary actions against students who were arrested or detained and remained in custody for an extended period. As a result, the University could not question nor confirm the student's intent even though he/she seemed to warrant disciplinary action. Under these circumstances, the University may proceed with the procedures for disciplinary action without questioning the target student as set forth in Article 6 or confirming the student's intent as set forth in Article 8 based upon the

President's approval and a proposal from the dean of an academic organization and the initiative of the Student Disciplinary Committee. In addition, the University of Tokyo shall set forth specific procedures under these Agreed Matters in the "Policy Regarding Disciplinary Action for Arrested or Detained Students" in order to prevent the arbitrary use of exceptional measures of the disciplinary action procedures.